

Chapter 500, ZONING

[HISTORY: Adopted by the Board of Supervisors of the Township of Middletown 3-26-1991 by Ord. No. 91-16 (Ch. 27 of the 1992 Code). Amendments noted where applicable.]

GENERAL REFERENCES

- Environmental Advisory Council -- See Ch. 38.
- Planning Commission -- See Ch. 76.
- Adult businesses -- See Ch. 120.
- Firesafety inspections -- See Ch. 249.
- Mobile home parks -- See Ch. 312.
- Municipal claims and attorneys' fees -- See Ch. 316.
- Noise -- See Ch. 320.
- Sewers -- See Ch. 386.
- Storage facilities and units -- See Ch. 425.
- Stormwater management -- See Ch. 430.
- Subdivision and land development -- See Ch. 440.
- Taxation -- See Ch. 448.
- Telecommunications -- See Ch. 453.
- Shade trees -- See Ch. 462.
- Water -- See Ch. 485.

ARTICLE I, Purpose; Interpretation; Short Title; Statement of Community Goals and Objectives

§ 500-101. Purpose.

[Amended 12-1-1992 by Ord. No. 92-15]

This chapter is enacted for the following purposes:

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

- B. To prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks; provided, however, that a zoning ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type.
- D. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
- E. To minimize danger to public health and safety and damage to property by providing for management of stormwater runoff in a manner consistent with the stormwater management regulations contained in the Middletown Township Subdivision and Land Development Ordinance (Chapter 440) and the Neshaminy Creek Watershed Stormwater Management Plan.

§ 500-102. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, other ordinance or regulation shall be controlling.

§ 500-103. Short title.

This chapter shall be known and may be cited as "The Middletown Township Zoning Ordinance."

§ 500-104. Statement of community goals and objectives.

The following statement of community goals and objectives is designed to guide growth and development in Middletown Township. This statement shall serve as an adjunct to the Middletown Township Comprehensive Plan, the East Middletown Development Guide, the North Middletown Study, and the West Middletown Study. This statement is in compliance with the requirements of § 606 of the Pennsylvania Municipalities Planning Code (Act 247, as amended by Act 170).^{lxxxixEN}

A. Growth.

Growth is a primary concern in planning for the future of Middletown Township. The Township is an attractive locale for both residential and nonresidential development, and this trend can be expected to continue in the future. Many facets of the community are affected by growth, either directly or indirectly. These include the natural and man-made environment, the transportation network, and community services and facilities. These impacts can be positive and negative. Thus, zoning should allow growth to occur but should control those aspects of growth which are undesirable.

(1) Goal.

To manage growth in Middletown Township so that both individual landowners' rights and the interests of the community as a whole are protected.

(2) Objectives.

- (a) To promote a land use pattern that protects those historical, cultural and natural features which are important to the character of the Township while still allowing opportunities for growth.
- (b) To direct more intensive development to those areas of the Township which are most appropriate for growth and which can best accommodate it.
- (c) To limit the impact of new development on existing development through appropriate land use standards such as buffer yards and setback requirements.
- (d) To develop regulations so that the individual landowner can choose a variety of alternative methods of using his land.

B. Environmental protection.

The environment is a common or public good. Article I-27 of the Pennsylvania Constitution guarantees all citizens the right to public natural resources in the state. The Constitution provides for the state to protect these resources for present and future generations. Furthermore, § 604 of the Pennsylvania Municipalities Planning Code states that one of the purposes of zoning is to preserve the natural, scenic and historic values in the environment. Thus, Middletown Township can justify environmental protection regulations on the basis of the State Constitution and various implementing statutes.

(1) Goal.

To protect the people's right to clean air, pure water, and the other natural and historic resources of our environment and to guarantee a quality environment for present and future populations.

(2) Objectives.

- (a) To preserve the unique qualities and natural resources of the Township by incorporating environmental protection standards and other appropriate land use standards into this chapter.
- (b) To evaluate the environmental impacts of changes in zoning and proposed developments, making every effort to minimize adverse environmental impacts through sound planning and design.

C. Balanced community.

- (1) Land should be allocated for all reasonable types of uses to satisfy community needs and to provide a wide range of opportunities for Township residents. Commercial uses provide convenient goods and services while industrial uses provide employment opportunities. Both of these uses expand the tax base, alleviating some of the tax burden on Township residents. A wide range of housing types presents opportunities for people of all socioeconomic backgrounds and offers housing options for Township residents. Thus, the allocation of land for all reasonable uses will create numerous and expanded opportunities for Township residents.
- (2) Proper land use planning creates the opportunity for a balance between the Township's existing land uses and the demands of anticipated growth. This balance is provided by allocating the land in the Township for specific types and intensities of land use.
 - (a) Goal.

To provide for a balanced community containing all reasonable types of land uses including residential, commercial, industrial, agricultural, recreational, and institutional.
 - (b) Objectives.
 - [1] To ensure that this chapter permits a variety of land uses in appropriate locations in the Township.
 - [2] To ensure that this chapter permits a range of housing types at varying densities so that all socioeconomic groups have access to the community.
 - [3] To analyze all planning and zoning proposals to ensure that new growth and development enhance the balance of land uses in the Township.

ARTICLE II, Definitions

§ 500-201. Word usage.

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

§ 500-202. Specific terms.

[Amended 3-23-1999 by Ord. No. 99-03; 3-23-1999 by Ord. No. 99-04; 10-2-2001 by Ord. No. 01-13]

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY

1. ACCESSORY BUILDING -- See "building, accessory."
2. ACCESSORY USE -- See "use, accessory."

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

AREA

1. LOT AREA -- See "lot area."
2. FLOOR AREA -- See "floor area."
3. SITE AREA -- See "site area."

ASSEMBLY -- Fitting together and/or attaching by any means, including, but not limited to, brazing, welding, bonding, riveting, bolting and screwing.

AUTHORITY -- A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."^{lxxxii}EN

BASEMENT -- A space having one-half (1/2) or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half feet (6 ½'). A basement shall be counted as a story for the purposes of height measurement or the determination of square footage or floor area.

BOARD -- Any body granted jurisdiction under this chapter or under the Pennsylvania Municipalities Planning Code^{lxxxiii}EN (Act 247, as amended by Act 170) to render final adjudications.

BODY PIERCING -- The process of breaching the skin or mucous membrane for the purpose of insertion of any object, including, but not limited to, jewelry for cosmetic purposes.

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

1. **BUILDING, ACCESSORY** -- A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.
2. **BUILDING, PRINCIPAL** -- A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

BUILDING COVERAGE -- That percentage of the lot area covered by buildings.

BUILDING HEIGHT -- The vertical distance of a building or structure measured from the mean level of the ground abutting the building or structure to the highest point of the roof or the structure.

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

BUILDING SPACING -- The minimum distance between buildings. The minimum building spacing shall be measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters. These exceptions may encroach no more than two (2) feet.

CELLAR -- A cellar is a space with less than one-half (1/2) of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half feet (6 ½'). A cellar is not counted as a story for the purposes of height measurement or the determination of square footage or floor area unless the cellar is used for dwelling, office or business purposes.

CELLULAR TELECOMMUNICATIONS FACILITY -- A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

1. **TOWER** -- A structure intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures include monopoles and lattice construction steel structures.
2. **ANTENNA** -- A device used to collect or transmit telecommunications or radio signals. Examples are panels and single poles known as whip antennas.

- C. TELECOMMUNICATIONS EQUIPMENT BUILDING -- The structure in which the electronic receiving and relay equipment for a cellular telecommunications facility is housed.

CONDITIONAL USE -- A use permitted in a particular zoning district pursuant to the provisions of § 500-3009.

CONDOMINIUM -- Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. A condominium is a unit with all of the following characteristics:

1. The unit may be any permitted land use. A condominium is an ownership arrangement, not a land use.
2. All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq., and in accordance with the provisions for open space, roads or other development features in this chapter and the Middletown Township Subdivision and Land Development Ordinance (Chapter 440).

DECISION -- Final adjudication of any board or other body granted jurisdiction under this chapter or the Pennsylvania Municipalities Planning Code (Act 247, as amended by Act 170) to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the County and judicial district wherein the municipality lies.

DENSITY -- Density is a measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre. The measure is arrived at by dividing the number of dwelling units by the base site area.

DETERMINATION

1. Final action by an officer, body or agency charged with the administration of this chapter or applications hereunder, except the following:
 - (A) The Board of Supervisors.
 - (B) The Zoning Hearing Board.
2. Determinations shall be appealable only to the board designated as having jurisdiction for such appeal.

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

DWELLING UNIT -- Any room or group of rooms located within a building and forming a single, habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating by one family. See "family."

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

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

EMPLOYEE -- A person who is employed or is engaged in gainful activity. For the purposes of this chapter, the term shall refer to the maximum number of employees on duty at any time at a place of business, whether the employees are full- or part-time. If shifts are involved in which two shifts overlap, it refers to the total of both shifts.

EXPLOSIVE -- Any chemical compound or other substance intended for the purpose of producing an explosion or which contains oxidizing or combustible units or other ingredients in such proportions or quantities that ignition by fire, by friction, by concussion, by percussion, by induction or by detonation may produce an explosion capable of causing injury to persons or damage to property.

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

FARM BUILDING -- Any building used for storing agricultural equipment or farm produce, housing livestock or poultry, or processing dairy products. The term "farm building" shall not include dwellings.

FELLING -- The act of cutting a standing tree so that it falls to the ground.

FENCE -- A barrier or partition having any combination of posts, wire, lumber, stone, brick or similar materials in which the principal dimensions are height and length and which does not support and is not attached to a ceiling or roof.

FISCAL IMPACT ANALYSIS -- A projection of the direct, current, public costs and revenues associated with residential or nonresidential growth to the local jurisdictions in which the development is proposed.

FLOODPLAIN -- Areas adjoining streams, ponds or lakes subject to the one-hundred-year recurrence-interval flood. The areas considered floodplain within Middletown Township shall include those areas identified as being subject to the one-hundred-year flood in the Flood Insurance Study for Middletown Township prepared by the Federal Insurance Administration, dated June 1979, and the accompanying Flood Boundary and Floodway Map, dated December 4, 1979.

1. **FLOODWAY** -- That portion of the floodplain including the watercourse channel and adjacent land areas which must be reserved to carry the one-hundred-year-recurrence interval flood without cumulatively increasing that flood elevation more than one foot.
2. **FLOOD-FRINGE** -- That portion of the floodplain which is outside the floodway.
3. **APPROXIMATE ONE-HUNDRED-YEAR FLOODPLAIN** -- That portion of the floodplain for which no detailed flood profiles or one-hundred-year flood elevations have been provided.

FLOODPLAIN SOILS -- Areas subject to periodic flooding and listed in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, U.S. Department of Agriculture, Natural Resources Conservation Service, July 1975, as being "on the floodplain" or subject to "flooding." The following soil types are floodplain soils:

Alluvial land (Ae)	Marsh (Mh)
Alton gravelly loam, flooded (AIA)	Pope loam (PoA)
Bowmansville silt loam (Bo)	Rowland silt loam (Ro)
Hatboro silt loam (Ha)	

FLOOR AREA -- The sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use, and basements, attics and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy, nor any floor space in an accessory building nor in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this chapter, nor any such floor space intended and designed for accessory heating and ventilating equipment.

FLOOR AREA RATIO -- The ratio of the floor area to the lot area, as determined by dividing the floor area by the lot area.

FORESTRY -- The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. Clear cutting or selective cutting of forestlands for a land use change are excluded from this definition.

GARAGE -- A structure which is accessory to a dwelling unit and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public. See § 500-2301 for applicable regulations.

HEARING -- An administrative proceeding conducted by a board pursuant to § 500-3011

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

HYDRIC SOILS -- A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation. Wetlands vegetation are those plant species that have adapted to the saturated soils and periodic inundations occurring in wetlands. The following soils, classified in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, U.S. Department of Agriculture, Natural Resources Conservation Service, July 1975, are hydric soils:

Bowmansville silt loam (Bo)	Doylestown silt loam (DoA)
Fallsington silt loam (Fa)	Hatboro silt loam (Ha)
Towhee silt loam (ToA, ToB)	
Towhee extremely stony silt loam (TwA, TwB)	

IMPERVIOUS SURFACE -- Impervious surfaces are those surfaces which do not absorb rain. All buildings, paving areas, driveways, roads, sidewalks, swimming pools, and any areas in concrete and asphalt, including porous asphalt paving, shall be considered impervious surfaces within this definition. In addition, paved areas and other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

IMPERVIOUS SURFACE RATIO -- The impervious surface ratio is a measure of the intensity of use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the base site area.

LAKES AND PONDS -- Natural or artificial bodies of water which retain water year round. Artificial ponds may be created by dams or result from excavation. Lakes are bodies of water two or more acres in extent. Ponds are bodies of water less than two acres in extent.

LAND AND POND SHORELINES -- The land-side edges of lakes and ponds from established shoreline to an upland boundary. Lake and pond shorelines shall be measured 100 feet from the spillway crest elevation.

LANDING -- A place where logs, pulpwood or firewood are assembled for transportation to processing facilities.

LANDOWNER -- An individual, partnership, company, firm, association or corporation that is in actual control of forestland, 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 timber harvesting.

LITTER -- Discarded items not naturally occurring on the site, such as tires, oil cans, equipment parts and other rubbish.

LOP -- To cut tops and slash into smaller pieces to allow the material to settle close to the ground.

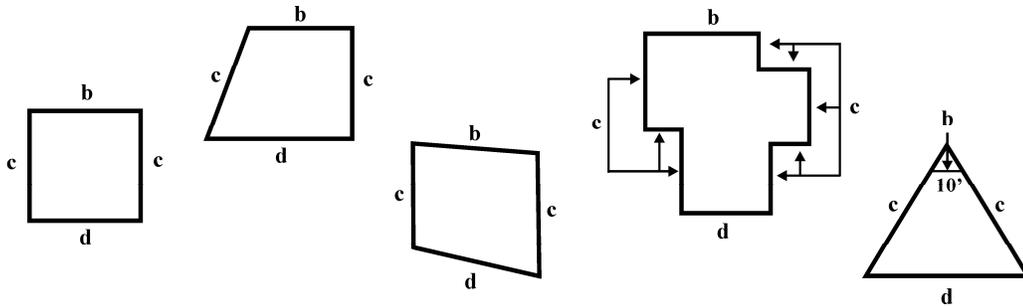
LOT -- A parcel of land, used or set aside and available for use as the site of one or more buildings and any buildings accessory thereto or for any other purpose, in one ownership and not divided by a street, nor including any land within the limits of a public or private street right-of-way upon which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

1. **LOT AREA** -- The area contained within the property lines of the individual parcels of land shown on a subdivision plan, excluding any area within an existing or designated future street right-of-way or any area required as open space under this chapter and including the area of any easements.
2. **CORNER LOT** -- A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135°.
3. **THROUGH LOT** -- An interior lot having frontage on two parallel or approximately parallel streets.

4. LOT DEPTH -- The mean distance from the street line of the lot to its opposite rear line, measured in the general direction of the side lines of the lot.
5. LOT WIDTH -- The distance measured between the side lot lines at the minimum building setback line, as defined in the definition of "building setback line." In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line.
6. VACANT LOT -- A lot on which no permanent building is erected.

LOT LINE -- Any boundary line of a lot.

1. LOT LINE, REAR (b) -- Any lot line which is parallel to or within 45° of being parallel to a street line, except for a lot line that is itself a street line. In the case of a corner lot, the lot line opposite the street line which the front of the principal building faces shall be considered the rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line. In the case of a triangular lot, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the street line, shall be considered a rear lot line.
2. LOT LINE, SIDE (c) -- Any lot line which is not a street line or a rear lot line.
3. STREET LINE (d) -- See "street line."
4. SAMPLE LOT CONFIGURATIONS -- Letters (in illustration above) correspond to lot line definitions above.



MEDIATION -- A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

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

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

MOBILE HOME PAD -- That part of a mobile home lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

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

MUNICIPAL ENGINEER -- A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for Middletown Township.

NONCONFORMING LOT -- A lot the area or dimensions of which was lawful prior to the adoption or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE -- A structure or part of a structure which does not comply with the applicable area, dimensional, parking, buffer, environmental or other provisions of this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

OPEN SPACE -- Open space is land which shall be kept open in perpetuity and shall be restricted from future development. Open space shall be permanent and inviolate. To qualify as open space, such land shall be used only for open space uses: recreation,

amenity, buffer or resource protection. Open space shall not include land occupied by nonrecreational buildings or structures, roads or road rights-of-way, easements, paving lots, land reserved for future parking lots, stormwater detention basins or retention basins, or the yards or lots of dwelling units.

OPEN SPACE RATIO -- The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the base site area.

OPERATOR -- An individual, partnership, company, firm, association or corporation engaged in timber harvesting, including the agents, subcontractors and employees thereof.

PERFORMANCE STANDARD SUBDIVISION -- A development or subdivision that permits a variety of housing types subject to a series of performance standards. The performance standard subdivision requires the provision of open space and limits density and impervious surfaces.

PRECOMMERCIAL TIMBER STAND IMPROVEMENT -- 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.

PERSONAL SERVICE ARTIST/OPERATOR -- One who engages in body piercing or tattooing.

PERSONAL SERVICE ESTABLISHMENT -- Any premises where a personal service artist/operator does body piercing or tattooing.

PRINCIPAL

1. **PRINCIPAL BUILDING** -- See "building, principal."
2. **PRINCIPAL USE** -- See "use, principal."

PUBLIC HEARING -- A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code (Act 247, as amended by Act 170).

PUBLIC MEETING -- A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."^{1xxxiv}EN

PUBLIC NOTICE -- Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

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

RETAIL STORE -- Any shop or store selling commodities and goods to the ultimate consumer, including, but not limited to, the following: food stores, drugstores, variety stores, clothing or dry goods stores, stationery or bookstore, and any other facility dedicated to providing commodities and goods as provided hereunder. No retail store may exceed 80,000 square feet of gross floor area. For the purposes of this section, the term "gross floor area" shall include outside retail areas and will be measured in the aggregate for any and all buildings or contiguous groups of buildings of the same single ownership or trading under the same single trade name. [Added 7-11-2006 by Ord. No. 06-12; amended 5-20-2008 by Ord. No. 08-05]

RIGHT-OF-WAY -- Land set aside for use as a street, alley or other means of travel.

1. **EXISTING RIGHT-OF-WAY** -- The legal right-of-way as established by the commonwealth or other appropriate governing authority and currently in existence.
2. **FUTURE RIGHT-OF-WAY** -- The right-of-way deemed necessary to provide adequate width for future street improvements.

SEWER

1. **PUBLIC SEWER** -- A public sewer is any municipal or privately owned sewer system in which sewage is collected from buildings from more than one lot and/or dwelling unit and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as "off-lot" or "off-site" sewer. This shall include capped sewers.

2. PRIVATE SEWER -- An "on-lot" approved disposal system generally providing for disposal of effluent for only one building or a group of buildings on a single lot.

SIGN -- See § 500-2703.

SINGLE-FAMILY DETACHED DWELLING -- A single detached dwelling unit on an individual lot with private yards on all sides of the house.

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

SITE AREA -- All land area within the site as defined in the deed. This area shall be determined from an actual site used rather than from a deed description.

SITE AREA, BASE -- The area of the site remaining after subtracting land which is not contiguous, land previously subdivided, and road and utility rights-of-way from the site area.

SITE AREA, BUILDABLE -- The buildable site area is the area of the site which may be altered, disturbed or regraded for development purposes. The buildable site area could contain buildings, roads, parking areas, sewage systems and stormwater management facilities. The buildable site area would not contain required open space, recreation areas and natural resource protection areas.

SKIDDING -- Dragging trees on the ground from the stump to the landing by any means.

SLASH -- Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps and broken or uprooted trees or shrubs.

SOLAR ENERGY -- Radiant energy (direct, diffuse or reflected) received from the sun at wavelengths suitable for conversion into thermal, chemical or electrical energy.

1. SOLAR ENERGY COLLECTOR -- Any device, structure or part of a device or structure which is used primarily to transform solar energy into thermal, chemical or electrical energy. It includes any space or structural component specifically designed to retain heat derived from solar energy.
2. SOLAR ENERGY SYSTEM -- A complete design or assembly consisting of a solar energy collector, an energy storage facility (where appropriate) and components for the distribution of transformed energy to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems are included in this definition but not to the extent that they fulfill structural or other functions.

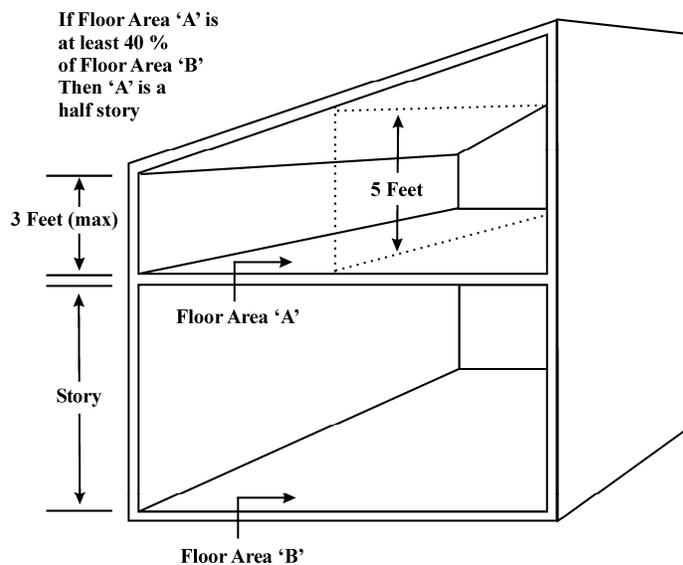
3. **ACTIVE SOLAR ENERGY SYSTEM** -- A solar system that requires external mechanical power (fans or pumps) to move a conductive medium (water, antifreeze or freon) to the interior of a building for heating or cooling.
4. **PASSIVE SOLAR SYSTEM** -- A solar energy system that uses natural properties of materials and architectural components to collect and store solar energy. In some cases, external mechanical power (fan) may be required to move the collected heat.

SPECIAL EXCEPTION -- A use permitted in a particular zoning district pursuant to the provisions of § 500-3007.

STAND -- Any area of forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.

STEEP SLOPES -- Areas where the average slope exceeds eight percent (8%) which, because of this slope, are subject to high rates of stormwater runoff and, therefore, erosion and flooding.

STORY -- That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use. A half story is a space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level, and in which space the possible floor area with headroom of five feet or less occupies at least forty percent (40%) of the total floor area of the story directly beneath.



[Source: Moskowi & Lindbloom. The Illustrated Book of Development Definitions (1981, Rutgers University).]

STORY, GROUND -- That story with its floor level immediately above the average finished grade level of the adjoining ground at any particular point or side of the building.

STREAM -- Any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.

STREET -- A public or private way used or intended to be used for passage or travel by automotive vehicles and pedestrians and/or to provide access to abutting properties.

STREET LINE -- The dividing line between the street and the lot. The street line shall be the same as the future right-of-way.

STRUCTURE -- Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

TATTOO or TATTOOING -- To mark or color the skin by pricking in, by subcutaneous introduction, nontoxic dyes or pigments so as to form indelible marks or figures by production of scars.

TELEPHONE CENTRAL OFFICE -- A building or part of a building used for the transmission and exchange of telephone or radio telephone messages.

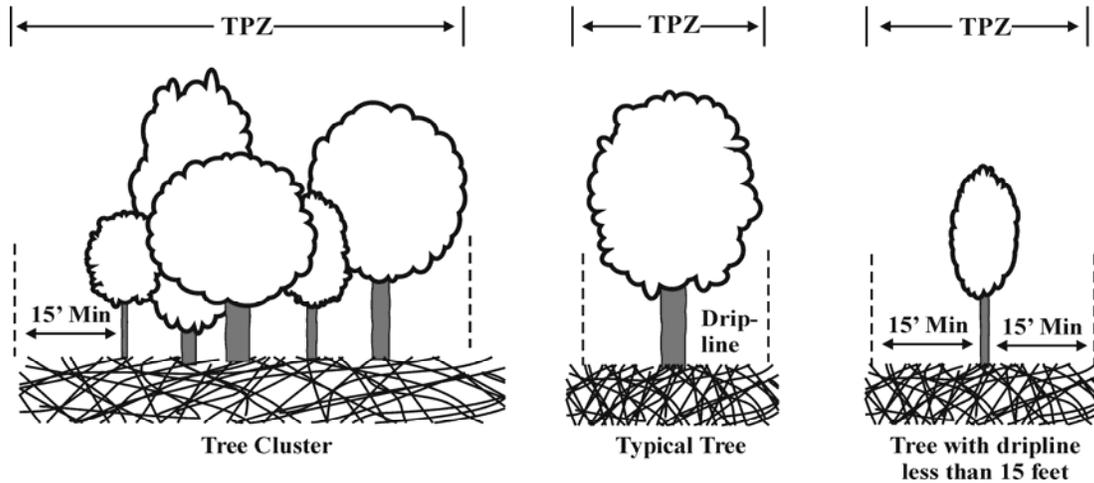
TENANT HOUSE -- An accessory building on a lot used in whole or in part as dwelling quarters for one or more tenant farmers.

TIMBER HARVESTING, TREE HARVESTING or LOGGING -- The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. Clear cutting or selective cutting of forestlands for a land use change are excluded from this definition.

TOP -- The upper portion of a felled tree that is unmerchantable because of small size, taper or defect.

TOURIST HOUSE -- A dwelling in which rooms for overnight sleeping accommodations are provided for or offered to transient guests for compensation.

TREE PROTECTION ZONE (TPZ) -- An area that is radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be fifteen feet (15') from the trunk of the tree to be retained or the distance from the trunk to the dripline, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.



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

1. **USE, ACCESSORY** -- A use located on the same lot with a principal use, and clearly incidental or subordinate to, and in connection with, the principal use.
2. **USE, PRINCIPAL** -- The main use on a lot.

UTILITIES -- Those services customarily rendered by public utility corporations, municipalities or municipal authorities in the nature of electricity, gas, telephone, water and sewerage, including the appurtenances used in connection with the supplying of such services (buildings, wires, pipes, poles and the like).

VARIANCE -- Relief granted pursuant to the provisions of § 500-3007.

WALLS, FACING -- Walls opposite to and parallel with one another or wall lines extended off opposite walls intersecting at angles of less than sixty-five degrees (65°).

WATERCOURSE -- Any natural or artificial stream, river, creek, ditch, channel, canal, waterway, gully or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a defined bed and banks.

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

WETLANDS MARGIN -- The transitional area extending from the outer limit of the wetland.

WIND ENERGY CONVERSION SYSTEM (WECS) -- A device which connects wind energy to mechanical or electrical energy.

WOODLANDS -- One-quarter (1/4) acre or more of wooded land where the largest trees measure at least six inches (6") diameter at breast height (dbh) or four and one-half feet (4.5') from the ground. The woodland shall be measured from the dripline of the outer trees. Woodlands are also a grove of trees forming one (1) canopy where ten (10) or more trees measure at least ten inches (10") diameter at breast height (dbh).

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

1. **YARD, FRONT** -- A yard between a structure and a street line and extending the entire length of the street line. In the case of a lot that fronts on more than one street, the yards extending along all streets are front yards.
2. **YARD, REAR** -- A yard between a structure and rear lot line and extending the entire length of the rear lot line.
3. **YARD, SIDE** -- A yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

ARTICLE III, Classification of Districts

§ 500-301. Classes of districts.

[Amended 5-20-2008 by Ord. No. 08-05]

For the purposes of this chapter, the Township of Middletown is hereby divided into the following classes of districts, which shall be designated as follows:

AQC	Age-Qualified Community
A-O	Apartment-Office District
C	Commercial District
CS	Shopping Center District
GB	General Business District
M-1	Light Manufacturing District
MHP	Mobile Home Park District
MR	Multi-Residential District
OC	Office Campus District
OR	Open Recreation District
P	Professional District
RA-1	Residence Agricultural District
RA-2	Residence Agricultural District
RA-3	Residence Agricultural District
RC	Retirement Community District
R-1	Residence District
R-2	Residence District
R-3	Residence District
SW	Solid Waste Management Zoning Overlay District
	Neshaminy Creek Watershed Peak Rate Overlay District
	Northeast Philadelphia Airport Zoning Overlay District
	Stormwater Runoff Peak Rate Zoning Overlay District

§ 500-302. Zoning Map. ^{lxxxv}EN

The boundaries of said districts shall be as shown on the map attached to and made a part of this chapter, which map shall be known as the "Zoning Map of Middletown Township." Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part of this chapter as if all were fully described herein.

§ 500-303. District boundaries.

The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated.

§ 500-304. Boundary tolerances.

Where a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations applicable to the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than fifty feet (50') beyond the district boundary line.

**ARTICLE IV, RA-1 Residence Agricultural District [Amended 10-2-2001 by
Ord. No. 01-13; 5-20-2008 by Ord. No. 08-05]**

§ 500-401. Purpose and intent.

The purpose of the RA-1 Residence Agricultural District is to discourage the scattering of commercial, industrial, multifamily residential and other urban type uses throughout predominantly rural areas of the Township; to encourage the continued use of land for agricultural purposes; and to otherwise create conditions conducive to carrying out the purposes of this chapter as set forth in § 500-101.

§ 500-402. Use regulations.

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Agricultural uses, including tilling of the soil, nursery and the keeping or raising of livestock, birds, poultry, horses and bees, provided that:
- (1) The minimum lot area shall be ten (10) acres.
 - (2) Any building used for the keeping or raising of livestock, poultry, birds, horses or bees shall be situated not less than one hundred (100) feet from any street line or property line. For the keeping of bees, adequate shade and water shall be provided in the immediate vicinity of the hives.
 - (3) The keeping or raising of horses shall be limited to one (1) horse per two (2) acres.
 - (4) The keeping or raising of all other livestock and poultry shall be limited to five (5) per acre.
 - (5) A single-family detached dwelling is permitted on the same lot as this use, provided it meets the area and dimension requirements of § 500-403. A greenhouse or greenhouses and a roadside stand are also permitted, but only as accessory uses to the primary agricultural use, subject to the following restrictions:
 - (a) At least fifty percent (50%) of the products sold shall be produced on the premises where offered for sale.
 - (b) Any such stand shall be situated not less than thirty feet (30') from any street line.

- (c) Such roadside stand shall be a structure with no more than three (3) enclosed sides.
 - (d) No retail sales, except from a roadside stand, shall be permitted from or in connection with a greenhouse.
- B. Building for public worship.
- C. Cemetery.
- D. Single-family detached dwelling.
- E. Public or private educational institution when authorized by the Zoning Hearing Board as a special exception, provided that the public or private educational institution meets the following standards:
- (1) A lot area of not less than five (5) acres shall be provided for each such use.
 - (2) Such use shall have direct access to either an arterial or a collector highway as designated in the Middletown Township Comprehensive Plan.
 - (3) Such use shall not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property or be detrimental to the public welfare.
 - (4) The characteristics of the following are allowable types of public or private educational institutions.
 - (a) Academic schools. To include schools of the following character: adult schools, correspondence schools, colleges, educational tutoring, general education, schools for handicapped or retarded persons, public schools and others of like kind.
 - (b) Business and trade schools. To include schools of the following character: computer programming, electronics, finance, key punch machine operator, management development, radio and others of like kind.
 - (c) Child-care schools. To include schools of the following character: day camps, day-care centers, kindergarten, nursery schools, pre-kindergartens, resident camps and others of like kind.
 - (d) Dance and music schools. To include schools of the following character: acrobatic dance, ballet dance, ballroom dance, freestyle dance, modern dance, music schools, tap dance, twirling schools, and others of like kind.
 - (e) Hobby schools. To include schools of the following character: cooking, sewing, stained glass making, art and printing schools, and others of like kind.

- (f) Martial arts. To include schools of the following character: jujitsu, judo, karate, and others of like kind.
 - (g) Occupational licensing schools. To include schools of the following character: barber schools, beauty culture schools, dental assistant schools, nursing schools, real estate schools, and others of like kind.
 - (h) Professional and professional licensing schools. To include schools of the following character: bartender schools, business schools, chiropractic schools, schools of fashion, schools of modeling, paralegal schools, photography schools, secretarial schools, travel agent schools, and others of like kind.
 - (i) Religious schools. To include schools of the following character: Sunday schools, Hebrew schools, Bible schools, and others of like kind.
 - (j) Sports training schools. To include schools of the following character: basketball, boxing, fencing, golf, gymnastics, tennis and others of like kind.
 - (k) Tutoring schools. To include schools of the following character: College Board preparation, math, reading, general tutoring, and others of like kind.
 - (l) Any other schools not in the above subsections which are of like kind and nature.
- (5) The following types of educational institutions shall not be permitted:
- (a) Educational institutions dealing with animals such as dog obedience schools, horseback riding schools, animal grooming schools.
 - (b) Driver educational schools.
 - (c) Schools for the maintenance and repair of motor vehicles, engines and aircraft.
 - (d) Flying schools.
 - (e) Outdoor athletic institutions.
 - (f) Schools for the maintenance and repair of appliances, including, but not limited to, heating and refrigeration, electric repairs, television repair, washer, dryer, dishwasher, garbage disposal, oven and like repairs.
 - (g) Welder training schools.
 - (h) Such other educational institutions having excessive light, noise, dust, traffic and other safety hazards.
 - (i) Firearms training school.

- F. Hospital, convalescent home or nursing home when authorized by the Zoning Hearing Board as a special exception, provided that:
- (1) A lot area of not less than five (5) acres shall be provided for each such use.
 - (2) The maximum impervious surface ratio shall be fifty percent (50%).
 - (3) Such use shall have direct access to either an arterial or a collector highway as designated in this chapter.
 - (4) Such use shall be served by adequate public water supply and public sewage disposal facilities.
 - (5) A fifty-foot-wide buffer yard shall be provided along all property lines. The buffer yard shall meet the requirements of § 500-2605.
- G. Telecommunications facility: Telephone central office, electric substation, or water or sewer pump station when authorized by the Zoning Hearing Board as a special exception, provided that:
- (1) Such use shall not include the transaction of business with the public; storage of materials, rotating equipment or trucks; repair facilities or housing of repair crews.
 - (2) A fifty foot (50') wide buffer yard shall be provided along all property lines and shall meet the requirements of § 500-2605.
- H. Bed-and-breakfast by conditional use.
- (1) The property must contain a minimum lot area of three (3) acres.
- I. Accessory use on the same lot with and customarily incidental to any permitted use in this district, subject to the applicable provisions of this article and Article XXIV.
- J. Home occupations as an accessory use in accordance with § 500-2408.
- K. Signs as accessory uses when erected and maintained in accordance with the provisions of Article XXVIII.
- L. No-impact home-based business as an accessory use.
- M. Forestry/timber harvesting, providing that it meets the following standards:
- (1) Scope; applicability. A zoning permit shall be required for all forestry/timber harvesting 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:
 - (a) Removal of 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 acre of woodlands per year, not to exceed a total of ten (10) trees per lot or any combination of adjoining lots in common ownership which are twelve inches (12") or more in diameter measured at breast height (dbh) and not covered by the exemptions in the foregoing two subsections. Removal of woodlands shall not exceed the standards set forth in §§ 500-2601D and 500-2602B. In cases of conflict between the standards set forth in this section and §§ 500-2601D and 500-2602B, the stricter of the standards shall apply.
 - (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 feet (30') of such building, structure or use, and all space within ten feet (10') 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. Removal of woodlands shall not exceed the standards set forth in §§ 500-2601D and 500-2602B. In cases of conflict between the standards set forth in this section and §§ 500-2601D and 500-2602B, the stricter of the standards shall apply.
- (2) Notification; preparation of a forestry/logging plan.
- (a) Notification of commencement or completion. For all forestry and timber harvesting operations that are expected to exceed one (1) acre, the landowner shall notify the Township Zoning Officer at least ten (10) business days before the operation commences and within five (5) business days before the operation is complete. No timber harvesting shall occur until the notice has 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 or completion date of the operation.
 - (b) Logging plan. Every landowner on whose land timber harvesting is to occur shall have a written logging plan prepared by a professional forester or forest technician in the form specified by this chapter. No timber harvesting 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 Zoning Officer upon request.
 - (c) Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

- (3) 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 landings;
 - [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 general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways;
 - [5] Copies of all required permits 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; and
 - [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 timber harvest 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 crossings of water 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 the requirements of all applicable state laws and regulations including, but not limited to, the following:

- [1] Erosion and sedimentation control regulations contained in Chapter 102 of Title 25 of the Pennsylvania Code, promulgated pursuant to the Clean Streams Law (35 P.S. § 691.1 et seq.);
 - [2] Stream crossing and wetlands protection regulations contained in Chapter 105 of Title 25 of the Pennsylvania Code, 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 Stormwater 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) The forestry/logging plan shall address and comply with the standards set forth in Article XXVI, Natural Resource Protection Standards; Open Space and Buffers, of this chapter. In cases of conflict between this section and Article XXVI, the stricter of the standards shall apply. The forestry/logging plan shall further address and comply with the standards set forth in Chapter 440, Subdivision and Land Development Ordinance of Middletown Township, § 440-406, Stormwater Management. In cases of conflict between this section and § 440-406, the stricter of the standards shall apply.
- (4) Forest practices. The following requirements shall apply to all forestry/timber harvesting operations in the 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 tops or slash shall be left within twenty five feet (25') of any public thoroughfare or private roadway providing access to adjoining residential property;
 - (c) All tops and slash between twenty-five (25) and fifty (50) feet from a public roadway or private roadway providing access to adjoining residential property or within fifty feet (50') of adjoining residential property shall be chopped to a maximum height of four feet (4') above the surface of the ground;
 - (d) No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof;
 - (e) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator;

- (f) Any soil, stones and/or debris carried onto public roadways must be removed immediately;
 - (g) No forestry/logging use shall be permitted within areas with slopes of twenty-six percent (26%) or greater;
 - (h) 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 ground cover;
 - (i) A no-logging buffer zone with a width of twenty-five feet (25') shall be maintained along any street abutting or running through a property on which the forestry/logging operation is to be conducted. The buffer shall be measured from the ultimate right-of-way of a public street and from the easement boundary of a private street. No trees shall be cut, removed, skidded or transported in a no-logging buffer zone except as necessary for access to a site from the street;
 - (j) A no-logging buffer zone with a width of fifty feet (50') feet shall be maintained along all properties abutting a property on which the logging operation is to be conducted. The buffer shall be measured from the property line. No trees shall be cut, removed, skidded or transported in a no-logging buffer zone except as necessary for access to a site from the street; and
 - (k) A no-logging riparian buffer zone with a width of seventy-five feet (75') shall be maintained along both sides of any watercourse or canal that abuts or runs through a property on which the forestry, logging or timber harvest operation is to be conducted. The buffer shall be measured from the high-water mark of the watercourse or canal. No trees shall be cut, removed, skidded or transported in a no-logging riparian buffer zone.
- (5) Financial security shall be established in a manner acceptable to the 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 Chapter 189 of Title 67 of the Pennsylvania Code, the Township may also require the landowner or operator to furnish a bond to guarantee the repair of such roads.
- (6) Enforcement.
- (a) Inspections. Any official or employee of the Township may go upon the site of any timber harvesting operation before, during or after active logging to: review the logging plan or any other required documents for compliance with this chapter and inspect the operation for compliance with the logging plan and other on-site requirements of this chapter.

- (b) Violation notices; suspensions. Upon finding that a forestry or timber harvesting operation is in violation of any provisions of this chapter, the Township shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Township may order the immediate suspension of any operation upon finding that: 1) corrective action has not been taken by the date specified in a notice of violation; 2) the operation is proceeding without a logging plan; or 3) the operation is causing an environmental risk. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the Township, the operation is brought into compliance with this chapter or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of an official or employee of the Township in accordance with the provisions of the Pennsylvania Municipalities Planning Code.
- (c) Penalties. Any landowner or operator who violates any provision of this chapter, or who fails to comply with a notice of violation or suspension order issued under Subsection M(6)(b) shall be subject to a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), plus costs and attorney's fees, in accordance with Pennsylvania Municipalities Planning Code. Each day of continued violation of any provision of this chapter shall constitute a separate offense.

§ 500-403. Area and dimensional requirements.

Unless a greater area or dimensional regulation is stated in § 500-402, Use regulations, for a specific use, all uses in the RA-1 District shall meet the following requirements:

- A. Minimum lot area: one (1) acre.
- B. Minimum lot width: one hundred fifty feet (150').
- C. Maximum density: eight-tenths (0.8) dwelling units per acre.
- D. Maximum building coverage: fifteen percent (15%).
- E. Maximum building height: thirty-five feet (35').
- F. Minimum front yard: fifty feet (50').
- G. Minimum side yard: thirty feet (30').
- H. Minimum rear yard: fifty feet (50').
- I. Maximum impervious surface ratio: thirty percent (30%).

ARTICLE V, RA-2 Residence Agricultural District

§ 500-501. Purpose and intent.

The RA-2 Residence Agricultural District is composed of low-density residential areas of the Township and open areas where similar residential development is likely to occur. The purposes of this district are to permit residential development at a low density to provide a transition zone between agricultural areas and medium-density residential development; to provide standards which will encourage the installation of public facilities and the preservation of permanent public open space; to exclude activities of a commercial or industrial nature and any activities not compatible with residential development; and to otherwise create conditions conducive to carrying out the purposes of this chapter as set forth in § 500-101.

§ 500-502. Use regulations.

[Amended 10-2-2001 by Ord. No. 01-13; 5-20-2008 by Ord. No. 08-05]

A building may be erected or used and a lot may be used or occupied for any one of the following principal uses and any of the following accessory uses and no other. Unless specifically identified as an accessory use, the following are permitted principal uses:

- A. Single-family detached dwelling.
- B. Building for public worship.
- C. Cemetery.
- D. Agricultural use, including tilling of the soil, nursery and the keeping or raising of livestock, poultry, birds, horses and bees as an accessory use, provided that:
 - (1) The minimum lot area shall be ten (10) acres.
 - (2) Any building used for the keeping or raising of livestock, poultry, birds, horses or bees shall be situated not less than one hundred feet (100') from any street line or property line. For the keeping of bees, adequate shade and water shall be provided in the immediate vicinity of the hives.
 - (3) The keeping or raising of horses shall be limited to one (1) horse per two (2) acres.
 - (4) The keeping or raising of all other livestock and poultry shall be limited to five (5) per acre.

- E. Public or private educational institution when authorized by the Zoning Hearing Board as a special exception, provided that the requirements of § 500-402 (E) of this chapter are met.
- F. Hospital, convalescent home or nursing home when authorized by the Zoning Hearing Board as a special exception, provided that:
 - (1) A lot area of not less than five (5) acres shall be provided for each such use.
 - (2) The maximum impervious surface ratio shall be fifty percent (50%).
 - (3) Such use shall have direct access to either an arterial or a collector highway as designated in this chapter.
 - (4) Such use shall be served by adequate public water supply and public sewage disposal facilities.
 - (5) A fifty foot (50') wide buffer yard shall be provided along all property lines. The buffer yard shall meet the requirements of § 500-2605.
- G. Telecommunications facility, telephone central office or electric substation when authorized by the Zoning Hearing Board as a special exception, provided that:
 - (1) Such use shall not include the transaction of business with the public; storage of materials, rotating equipment or trucks; repair facilities or housing of repair crews.
 - (2) A twenty five foot (25') wide buffer yard shall be provided along all property lines and shall meet the requirements of § 500-2605.
- H. Bed-and-breakfast in conformity with the provisions of § 500-402 (H).
- I. Accessory use on the same lot with and customarily incidental to any permitted use in this district, subject to the applicable provisions of this article and Article XXIV.
- J. Home occupations as an accessory use in accordance with § 500-402.
- K. Signs as an accessory use when erected and maintained in accordance with the provisions of Article XXVIII.
- L. No-impact home-based business as an accessory use.

- M. Forestry/timber harvesting, pursuant to the regulations set forth in Article IV, § 500-402 (M).

§ 500-503. Area and dimensional requirements.

Unless a greater area or dimensional regulation is stated in § 500-502, Use regulations, for a specific use, all uses in the RA-2 District shall meet the following requirements:

- A. Minimum lot area: thirty thousand (30,000) square feet.
- B. Minimum lot width: one hundred twenty-five (125) feet.
- C. Maximum density: 1.2 dwelling units per acre.
- D. Maximum building coverage: fifteen percent (15%).
- E. Maximum building height: thirty-five (35) feet.
- F. Minimum front yard: fifty (50) feet.
- G. Minimum side yard: fifteen (15) feet; forty (40) feet aggregate.
- H. Minimum rear yard: fifty (50) feet.
- I. Maximum impervious surface ratio: thirty percent (30%).

[Added 5-20-2008 by Ord. No. 08-05]

ARTICLE VI, RA-3 Residence Agricultural District

§ 500-601. Purpose and intent.

The RA-3 Residence Agricultural District is composed of low-density residential areas of the Township and open areas where similar residential development is likely to occur. The purposes of this district are to permit residential development at a moderate density; to provide standards which will encourage the installation of public facilities and the preservation of permanent public open space; to exclude activities of a commercial or industrial nature and any activities not compatible with residential development; and to otherwise create conditions conducive to carrying out the purposes of this chapter as set forth in § 500-101.

§ 500-602. Use regulations.

[Amended 10-2-2001 by Ord. No. 01-13; 5-20-2008 by Ord. No. 08-05]

A building may be erected or used and a lot may be used or occupied for any one of the following principal uses and any of the following accessory uses and no other. Unless specifically identified as an accessory use, the following are permitted principal uses:

- A. Single-family detached dwelling.
- B. Building for public worship.
- C. Cemetery.
- D. Agricultural use, including tilling of the soil, nursery and the keeping or raising of livestock, poultry, birds, horses and bees as an accessory use, provided that:
 - (1) The minimum lot area shall be ten (10) acres.
 - (2) Any building used for the keeping or raising of livestock, poultry, birds, horses or bees shall be situated not less than one hundred feet (100') from any street line or property line. For the keeping of bees, adequate shade and water shall be provided in the immediate vicinity of the hives.
 - (3) The keeping or raising of horses shall be limited to one (1) horse per two (2) acres.
 - (4) The keeping or raising of all other livestock and poultry shall be limited to five (5) per acre.
- E. Public building or public use.

- F. Public or private educational institution when authorized by the Zoning Hearing Board as a special exception, provided that the requirements of § 500-402 (E) of this chapter are met.
- G. Hospital, convalescent home or nursing home when authorized by the Zoning Hearing Board as a special exception, provided that:
 - (1) A lot area of not less than five (5) acres shall be provided for each such use.
 - (2) The maximum impervious surface ratio shall be fifty percent (50%).
 - (3) Such use shall have direct access to either an arterial or a collector highway as designated in this chapter.
 - (4) Such use shall be served by adequate public water supply and public sewage disposal facilities.
 - (5) A fifty foot (50') wide buffer yard shall be provided along all property lines. The buffer yard shall meet the requirements of § 500-2605.
- H. Telecommunications facility, telephone central office or electric substation when authorized by the Zoning Hearing Board as a special exception, provided that:
 - (1) Such use shall not include the transaction of business with the public; storage of materials, rotating equipment or trucks; repair facilities or housing of repair crews.
 - (2) A twenty-five foot (25') wide buffer yard shall be provided along all property lines and shall meet the requirements of § 500-2605.
- I. Bed-and-breakfast, in conformity with the provisions of § 500-402 (H).
- J. Accessory use on the same lot with and customarily incidental to any permitted use in this district, subject to the applicable provisions of this article and Article XXIV.
- K. Home occupations as an accessory use in accordance with § 500-402.
- L. Signs as an accessory use when erected and maintained in accordance with the provisions of Article XXVIII.
- M. No-impact home-based business as an accessory use.
- N. Forestry/timber harvesting, pursuant to the regulations set forth in Article IV, § 500-402 (M).

§ 500-603. Area and dimensional requirements.

Unless a greater area or dimensional regulation is stated in § 500-602, Use regulations, for a specific use, all uses in the RA-3 District shall meet the following requirements:

- A. Minimum lot area: twenty-two thousand five hundred (22,500) square feet.
- B. Minimum lot width: one hundred twenty-five (125) feet.
- C. Maximum density: 1.4 dwelling units per acre.
- D. Maximum building coverage: fifteen percent (15%).
- E. Maximum building height: thirty-five (35) feet.
- F. Minimum front yard: fifty (50) feet.
- G. Minimum side yard: fifteen (15) feet; forty (40) feet aggregate.
- H. Minimum rear yard: fifty (50) feet.
- I. Maximum impervious surface ratio: thirty percent (30%).
[Added 5-20-2008 by Ord. No. 08-05]

ARTICLE VII, OR Open Recreation District

§ 500-701. Purpose and intent.

The purpose of the OR Open Recreation District is to reinforce public commitment of land to open spaces.

§ 500-702. Applicability.

The OR District is applicable only to those lands which have been committed by public or private action to the conservation, open space, recreational and educational uses permitted herein and is designed to ensure continuation of such uses for the benefit of residents of the Township and County.

§ 500-703. Use regulations.

[Amended 5-25-1993 by Ord. No. 93-09; 6-8-1999 by Ord. No. 99-10; 10-2-2001 by Ord. No. 01-13]

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Recreation uses, including parks, picnic areas, day and overnight camping, hiking, equestrian trails, playfields, facilities for court games, swimming, boating, golf and similar open space recreation activities.
- B. Agricultural uses using existing facilities as a continuing interim use of land pending development of other permitted uses or as a demonstration farm when part of an overall recreation or educational area plan.
- C. Nature and conservation educational uses such as arboretums, zoological gardens, wildlife preserves, fish hatcheries, forest management areas and natural areas.
- D. Accessory uses incidental to the operation and maintenance of the above permitted uses, including parking facilities, shelters, rest rooms, administrative, maintenance and storage buildings, and permanent housing for administrative or supervisory personnel.
- E. Emergency services uses, including fire, rescue and other emergency services of a municipal or volunteer nature.
- F. Middletown Township municipal buildings, including, but not limited to, administration, police, recreation, library, municipal utilities and public works buildings.
- G. Educational uses, including educational tutoring, general education, public schools and others of like kind.

- H. Forestry/timber harvesting, pursuant to the regulations set forth in § 500-402 (M) of this chapter.

§ 500-704. Area and dimensional requirements.

[Amended 12-20-1994 by Ord. No. 94-20; 6-7-2005 by Ord. No. 05-04; 5-2-2008 by Ord. No. 08-05]

Unless a greater area or dimensional regulation is stated in § 500-703, Use regulations, for a specific use, all uses in the OR District shall meet the following requirements:

- A. Minimum setbacks. Buildings or other permitted structures, except directional signs, shall be set back a minimum of:
- (1) One hundred feet (100') from the ultimate right-of-way of any public road, except as provided for in Subsection A(4) below.
 - (2) Twenty feet (20') from the cartway of any internal road.
 - (3) Twenty feet (20') from the paved surface of any parking area.
 - (4) Any existing structure or building which is to be replaced, reconstructed, repaired, rehabilitated or substantially improved and which is accessory to an athletic field must be set back a minimum of fifteen feet (15') from any ultimate right-of-way of any public road.
- B. Maximum building height. No building or other permitted structure shall exceed thirty-five feet (35') in height, except that observation structures, water towers, or similar facilities may extend to a maximum height of one hundred feet (100').

ARTICLE VIII, R-1 Residence District

§ 500-801. Purpose and intent.

The purposes of the R-1 Residence District are to provide for the orderly expansion of urban-type residential development in areas which can feasibly be supplied with public facilities; to protect the public health and to prevent overcrowding of the land through the application of maximum housing densities; to provide standards which will encourage the installation of public facilities and the preservation of public open space; to exclude activities of a commercial or industrial nature and any activities not compatible with residential development; to provide for the public convenience and to avoid undue congestion on the roads; and to otherwise create conditions conducive to carrying out the purposes of this chapter as set forth in § 500-101.

§ 500-802. Use regulations.

[Amended 10-2-2001 by Ord. No. 01-13; 5-20-2008 by Ord. No. 08-05]

A building may be erected or used and a lot may be used or occupied for any one of the following principal uses and any of the following accessory uses and no other. Unless specifically identified as an accessory use, the following are permitted principal uses:

- A. Single-family detached dwelling.
- B. Building for public worship.
- C. Public or private educational institution when authorized by the Zoning Hearing Board as a special exception; provided that the requirements of § 500-402 (E) of this chapter are met.
- D. Telecommunications facility, telephone central office, electric substation, distribution gas-pressure-regulation station, or water or sewer pump station when authorized by the Zoning Hearing Board as a special exception, provided that:
 - (1) Such use shall not include the transaction of business with the public; storage of materials, rotating equipment or trucks; repair facilities or housing of repair crews.
 - (2) A twenty-five foot (25') wide buffer yard shall be provided along all property lines and shall meet the requirements of § 500-2605.
- E. Accessory use on the same lot with and customarily incidental to any permitted use in this district, subject to the applicable provisions of Article XXIV.
- F. Home occupations as an accessory use in accordance with § 500-2408.

- G. Signs as accessory uses when erected and maintained in accordance with the provisions of Article XXVIII.
- H. Forestry/timber harvesting, pursuant to the regulations set forth in Article IV, § 500-402 (M).
- I. No-impact home-based business as an accessory use.

§ 500-803. Area and dimensional requirements.

Unless a greater area or dimensional regulation is stated in § 500-802, Use regulations, for a specific use, all uses in the R-1 District shall meet the following requirements:

- A. Minimum lot area: fifteen thousand (15,000) square feet.
- B. Minimum lot width: one hundred (100) feet.
- C. Maximum density: two (2) dwelling units per acre. This density requirement shall apply only to subdivisions where one (1) or more new public streets are proposed as part of the subdivision. Relief from this density requirement shall not relieve an applicant for a subdivision from complying with the Middletown Township Subdivision and Land Development Ordinance (Chapter 440) requirements regarding street improvements.
- D. Maximum building coverage: twenty percent (20%).
- E. Maximum building height: thirty-five (35) feet.
- F. Minimum front yard: thirty-five (35) feet.
- G. Minimum side yard: ten (10) feet; thirty (30) feet aggregate.
- H. Minimum rear yard: thirty-five (35) feet.
- I. Maximum impervious surface ratio: thirty percent (30%).
[Added 5-20-2008 by Ord. No. 08-05]

§ 500-804. Modification of area and dimensional requirements.

If open space land is provided, a modification of the requirements of § 500-803 shall be permitted, subject to the following:

- A. The amount of open space provided shall equal or exceed the total area by which the lots in the subdivision are reduced below the standards of § 500-803, exclusive of street and right-of-way dedication.
- B. No single area of open space shall be less than one (1) acre in size.

- C. Minimum lot area: twelve thousand (12,000) square feet.
- D. Minimum lot width: ninety (90) feet.
- E. Maximum density: 2.3 dwelling units per acre.

This density requirement shall apply only to subdivisions where one or more new public streets are proposed as part of the subdivision. Relief from this density requirement shall not relieve an applicant for a subdivision from complying with the Middletown Township Subdivision and Land Development Ordinance (Chapter 440) requirements regarding street improvements.

- F. Maximum building coverage: twenty percent (20%).
- G. Maximum building height: thirty-five (35) feet.
- H. Minimum front yard: twenty-five (25) feet.
- I. Minimum side yard: ten (10) feet; twenty-five (25) feet aggregate.
- J. Minimum rear yard: thirty-five (35) feet.

ARTICLE IX, R-2 Residence District

§ 500-901. Purpose and intent.

The purposes of the R-2 Residence District are to provide reasonable standards for the orderly expansion of urban-type residential development; to prevent the overcrowding of the land; to exclude activities not compatible with residential development; and to otherwise create conditions conducive to carrying out the purposes of this chapter as set forth in § 500-101.

§ 500-902. Use regulations.

[Amended 10-2-2001 by Ord. No. 01-13; 5-20-2008 by Ord. No. 08-05]

A building may be erected or used and a lot may be used or occupied for any one of the following principal uses and any of the following accessory uses and no other. Unless specifically identified as an accessory use, the following are permitted principal uses:

- A. Single-family detached dwelling.
- B. Building for public worship.
- C. Public or private educational institution when authorized by the Zoning Hearing Board as a special exception, provided that the requirements of § 500-402 (E) of this chapter are met.
- D. Telecommunications facility, telephone central office, electric substation, or water or sewer pump station when authorized by the Zoning Hearing Board as a special exception, provided that:
 - (1) Such use shall not include the transaction of business with the public; storage of materials, rotating equipment or trucks; repair facilities or housing of repair crews.
 - (2) A twenty-fivefoot (25') wide buffer yard shall be provided along all property lines and shall meet the requirements of § 500-2605.
- E. Accessory use on the same lot with and customarily incidental to any permitted use in this district, subject to the provisions of Article XXIV.
- F. Home occupations as an accessory use in accordance with § 500-2408.
- G. Signs as accessory uses when erected and maintained in accordance with the provisions of Article XXVIII.

- H. Forestry/timber harvesting, pursuant to the regulations set forth in Article IV, § 500-402 (M).
- I. No-impact home-based business as an accessory use.

§ 500-903. Area and dimensional requirements.

Unless a greater area or dimensional regulation is stated in § 500-902, Use regulations, for a specific use, all uses in the R-2 District shall meet the following requirements:

- A. Minimum lot area: ten-thousand (10,000) square feet.
- B. Minimum lot width: eighty (80) feet.
- C. Maximum density: 2.8 dwelling units per acre.

This density requirement shall apply only to subdivisions where one or more new public streets are proposed as part of the subdivision. Relief from this density requirement shall not relieve an applicant for a subdivision from complying with the Middletown Township Subdivision and Land Development Ordinance (Chapter 440) requirements regarding street improvements.

- D. Maximum building coverage: twenty percent (20%).
- E. Maximum building height: thirty-five (35) feet.
- F. Minimum front yard: twenty-five (25) feet.
- G. Minimum side yard: ten (10) feet; twenty-five (25) feet aggregate.
- H. Minimum rear yard: twenty-five (25) feet.
- I. Maximum impervious surface ratio: thirty percent (30%).
[Added 5-20-2008 by Ord. No. 08-05]

ARTICLE X, R-3 Residence District

§ 500-1001. Purpose and intent.

The purposes of the R-3 Residence District are to provide for clustered development with large open space areas for resource protection and recreation; to exclude activities not compatible with residential development; and to otherwise create conditions conducive to carrying out the purposes of this chapter as set forth in § 500-101.

§ 500-1002. Use regulations. [

Amended 10-2-2001 by Ord. No. 01-13; 5-20-2008 by Ord. No. 08-05]

A building may be erected or used and a lot may be used or occupied for any one of the following principal uses and any of the following accessory uses and no other. Unless specifically identified as an accessory use, the following are permitted principal uses:

- A. Single-family detached dwelling.
- B. Building for public worship.
- C. Public or private educational institution when authorized by the Zoning Hearing Board as a special exception, provided that the requirements of § 500-402 (E) of this chapter are met.
- D. Telecommunications facility, telephone central office, electric substation, or water and sewer pump station when authorized by the Zoning Hearing Board as a special exception, provided that:
 - (1) Such use shall not include the transaction of business with the public; storage of materials, rotating equipment or trucks; repair facilities or housing of repair crews.
 - (2) A twenty-fivefoot (25') wide buffer yard shall be provided along all property lines and shall meet the requirements of § 500-2605.
- E. Accessory use on the same lot with and customarily incidental to any permitted use in this district, subject to the applicable provisions of Article XXIV.
- F. Home occupations as an accessory use in accordance with § 500-2408.
- G. Signs as accessory uses when erected and maintained in accordance with the provisions of Article XXVIII.
- H. Forestry/timber harvesting, pursuant to the regulations set forth in Article IV, § 500-402 (M).

- I. No-impact home-based business as an accessory use.

§ 500-1003. Area and dimensional requirements.

Unless a greater area or dimensional regulation is stated in § 500-1002, Use regulations, for a specific use, all uses in the R-3 District shall meet the following requirements:

- A. Minimum lot area: seven thousand (7,000) square feet.
- B. Minimum lot width: seventy (70) feet.
- C. Maximum building coverage: twenty-five percent (25%).
- D. Maximum building height: thirty-five (35) feet.
- E. Minimum front yard: twenty-five (25) feet.
- F. Minimum side yard: eight (8) feet ; eighteen (18) feet aggregate.
- G. Minimum rear yard: twenty (20) feet.
- H. Maximum impervious surface ratio: thirty-five percent (35%).
[Added 5-20-2008 by Ord. No. 08-05^{lxxxvi}EN]

ARTICLE XI, A-O Apartment-Office District

§ 500-1101. Purpose and intent.

The purposes of the A-O Apartment-Office District are to provide reasonable standards for the harmonious development of apartments, business and professional offices, educational, philanthropic and religious uses, residential uses, accessory uses and other uses which are compatible with high-density development; regulate the density of population; provide for the public convenience and avoid undue congestion in the streets; and to otherwise create conditions conducive to carrying out these and other broad purposes of this chapter as set forth in § 500-101.

§ 500-1102. Use regulations.

[Amended 10-2-2001 by Ord. No. 01-13; 5-20-2008 by Ord. No. 08-05]

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other. Uses on a single lot shall be restricted to those of a single use group.

- A. Use Group 1 -- Garden Apartments. A grouping of dwelling units sharing common elements, which may include common outside access. The dwelling units share a common lot area, which is the sum of the required lot areas of all dwelling units within the building. Garden apartments shall contain three (3) or more dwellings in a single structure.
- B. Use Group 2 -- Mid-Rise Apartments. A grouping of dwelling units sharing a common outside access with elevators serving each floor. Such buildings are not less than four (4) nor more than seven (7) stories high. The dwelling units share a common lot area, which is the sum of the required lot areas of all dwelling units within the building.
- C. Use Group 3 -- High-Rise Apartments. A grouping of dwelling units sharing a common outside access with elevators serving each floor. Such buildings are eight (8) or more stories high. The dwelling units share a common lot area, which is the sum of the required lot areas of all dwelling units within the building.
- D. Use Group 4 -- Offices which do not involve the storage, exchange, sale or delivery of merchandise on the premises, including:
 - (1) Professional offices.
 - (2) Administrative offices.
 - (3) Executive offices.

- (4) Government or public offices and buildings.
 - (5) Telecommunications central office, telephone central office, electric substation.
 - (6) Financial institution.
- E. Use Group 5 -- Educational, religious and philanthropic institutions, including:
- (1) Public, parochial and private schools, colleges and universities, and other institutions offering educational programs, and dormitories for students.
 - (2) Club, lodge or fraternal institutions.
 - (3) Orphanages.
 - (4) Houses of public worship.
 - (5) Philanthropic and other nonprofit institutions which are noncommercial in nature.
 - (6) Libraries, public and private.
 - (7) Museums, public and private.
- F. Use Group 6 -- Duplex. A semi-detached dwelling unit with one (1) dwelling unit located above the other dwelling unit. Duplex units may be attached side by side but a row of attached duplexes shall not exceed six (6).
- G. Accessory use on the same lot with and customarily incidental to any permitted use in the district.
- H. Forestry/timber harvesting, pursuant to the regulations set forth in Article IV, § 500-402 (M).

§ 500-1103. Area, dimensional and design requirements for Use Groups 1, 2 and 3.

All uses in Use Groups 1, 2 and 3 shall meet the following requirements:

- A. Minimum site area: five (5) acres.
- B. Minimum frontage at street line-site: three-hundred (300) feet.
- C. Maximum density:
 - (1) Use Group 1: twelve (12) dwelling units per acre.
 - (2) Use Group 2: twenty (20) dwelling units per acre.
 - (3) Use Group 3: thirty (30) dwelling units per acre.

D. Minimum open space ratio.

- (1) Use Group 1: ten percent (10%) of the base site area.
- (2) Use Group 2: twenty percent (20%) of the base site area.
- (3) Use Group 3: twenty-five (25%) of the base site area.

E. Use Group 1 shall meet the area and dimensional requirements specified below:

Use Group 1 Area and Dimensional Requirements		
	Average Apartment Size (square feet)	Minimum Lot Area Per Dwelling Unit (square feet)
Efficiency	500	1,300
1 bedroom	655	1,750
2 bedrooms	950	2,000
3 bedrooms	1,125	2,250
4 bedrooms	1,330	2,550

- (1) Maximum floor area ratio (on lot): forty-five percent (45%).
- (2) Maximum impervious surface ratio (on lot): fifty (50%).
- (3) Minimum lot area: one (1) acre.
- (4) Minimum street frontage: one hundred (100) feet.
- (5) Maximum number of units per building: sixteen (16) dwelling units.
- (6) Minimum building spacing: fifty (50) feet.
- (7) Minimum building setbacks.
 - (a) Street lines: fifty (50) feet.
 - (b) Other property lines: fifty (50) feet.
 - (c) Parking areas: thirty (30) feet.
 - (d) Maximum building height: forty (40) feet.

F. Use Group 2 shall meet the area and dimensional requirements specified below:

Use Group 2 Area and Dimensional Requirements		
	Average Apartment Size (square feet)	Minimum Lot Area Per Dwelling Unit (square feet)
Efficiency	500	700
1 bedroom	655	825
2 bedrooms	950	1,030
3 bedrooms	1,125	1,210
4 bedrooms	1,330	1,510

- (1) Maximum floor area ratio (on lot): one hundred percent (100%).
- (2) Maximum impervious surface ratio (on lot): seventy percent (70%).
- (3) Minimum lot area: two (2) acres.
- (4) Minimum street frontage: two hundred (200) feet.
- (5) Maximum number of units per building: sixteen (16) dwelling units.
- (6) Minimum building spacing: one hundred (100) feet.
- (7) Minimum building setbacks.
 - (a) Street lines: one hundred (100) feet.
 - (b) Other property lines: two hundred (200) feet.
 - (c) Parking areas: thirty (30) feet.
- (8) Maximum horizontal dimension of building: one hundred eighty (180) feet.
- (9) Maximum number of stories: seven (7) stories.

G. Use Group 3 shall meet the area and dimensional requirements specified below:

Use Group 3 Area and Dimensional Requirements		
	Average Apartment Size (square feet)	Minimum Lot Area Per Dwelling Unit (square feet)
Efficiency	500	425
1 bedroom	655	600
2 bedrooms	950	675
3 bedrooms	1,125	825
4 bedrooms	1,330	900

- (1) Maximum floor area ratio (on lot): one hundred fifty percent (150%).
- (2) Maximum impervious surface ratio (on lot): seventy percent (70%).
- (3) Minimum lot area: two (2) acres.
- (4) Minimum street frontage: two hundred (200) feet.
- (5) Minimum building space: one hundred fifty (150) feet.
- (6) Minimum building setbacks.
 - (a) Street lines: one hundred (100) feet.
 - (b) Other property lines: two hundred (200) feet.
 - (c) Parking areas: thirty (30) feet.
- (7) Maximum horizontal dimension of building: one hundred eighty (180) feet.

H. Buffer yard. A seventy-five foot (75') wide buffer yard shall be provided along all property lines of the site. The buffer yard shall be in accordance with the provisions of § 500-2605.

I. Apartments under all use groups shall have the following:

- (1) A minimum of fifty-five percent (55%) one (1) bedroom or efficiency units.
- (2) A maximum of forty-five percent (45%) two (2) bedroom units.
- (3) A maximum of five percent (5%) three (3) bedroom units.

The number of three (3) bedroom units would reduce the number of two (2) bedroom units. Example: If a developer proposes a one hundred (100) unit apartment complex, he may have fifty-five (55) one (1) bedroom apartments, forty (40) two (2) bedroom apartments, and five (5) three (3) bedroom apartments, or may eliminate or reduce the number of three (3) bedroom units entirely.

- J. Each dwelling unit shall be provided with public water supply and public sewage disposal at the time of development. Any waste material to be collected by a private concern must be contained in adequate disposal units. Compliance with the standards of the Health Code shall be maintained. No visible garbage, rubbish, or other disposable material shall be permitted on the land area of the building.
- K. Parking requirements.
 - (1) Minimum number of spaces shall be in accordance with this chapter's parking requirements. [Amended 5-20-2008 by Ord. No. 08-05]
 - (2) Additional one-quarter (1/4) parking space per dwelling unit shall be provided for visitor parking.
 - (3) A structure or planting material shall be provided of sufficient height and density to screen off-street parking lots from public street view and from adjoining residential districts. Such screening treatment shall conform to the requirements of all applicable ordinances of the Township of Middletown and to such reasonable conditions as may be required by the Middletown Township Planning Commission.

§ 500-1104. Area, dimensional and design requirements for Use Groups 4 and 5.

All uses in use groups 4 and 5 shall meet the following requirements:

- A. Minimum lot area: ten thousand (10,000) square feet.
- B. Minimum lot width: eighty (80) feet.
- C. Maximum building coverage: twenty percent (20%).
- D. Maximum impervious surface ratio: fifty percent (50%).
- E. Maximum building height: fifty (50) feet.
- F. Minimum yards.
 - (1) Front: fifty (50) feet.
 - (2) Side: twenty (20) feet.
 - (3) Rear: twenty-five (25) feet.
- G. Minimum building spacing: thirty (30) feet.
- H. Buffer yard. Along any adjacent land zoned for or in residential or agricultural use, a buffer yard shall be provided which shall not be less than seventy five feet (75') in width measured from the property line or the street line. The buffer yard shall be in accordance with the provisions of § 500-2605.

- I. Each proposed use shall be provided with public off-lot water supply and public sewage disposal at the time of development. Any waste material to be collected by a private concern must be contained in adequate disposal units. Compliance with the standards of the Health Code shall be maintained. No visible garbage, rubbish, or other disposable material will be permitted on the land area of the building.
- J. Any proposed development shall have access to either an arterial or collector highway.
- K. Parking. Off-street parking shall be provided in accordance with the provisions of Article XXVII.

§ 500-1105. Area, dimensional and design requirements for Use Group 6.

[Amended 5-20-2008 by Ord. No. 08-05]

All uses in Use Group 6 shall meet the following requirements:

- A. Minimum site area: five (5) acres.
- B. Minimum frontage at street line-site: two hundred feet (200').
- C. Maximum density: ten and one-half (10.5) dwelling units per acre.
- D. Maximum building coverage: twenty percent (20%).
- E. Setback requirements.
 - (1) No part of any duplex shall be closer than one hundred feet (100') from the street line of an arterial or expressway.
 - (2) No building shall be closer than fifty feet (50') from any other property line of the site nor closer than thirty feet (30') from the edge of the cartway of all interior streets.
- F. Minimum building spacing: ten (10) feet.
- G. Minimum lot area.
 - (1) Per duplex: three thousand five hundred (3,500) square feet.
- H. Maximum building height: thirty five (35) feet.

- I. Maximum horizontal dimension of any building: one hundred eighty (180) feet.
- J. Minimum floor area per duplex: one thousand six hundred (1,600) square feet [eight hundred (800) square feet per floor].
- K. A fifty foot (50') wide buffer yard shall be provided along all property lines of the site. The buffer yard shall meet the requirements of § 500-2605.
- L. All uses shall be provided with public water and public sewage disposal at the time of development. Any waste material to be collected by a private concern must be contained in adequate disposal units. Compliance with the standards of the Health Code shall be maintained. No visible garbage, rubbish, or other disposable material shall be permitted on the land area of the building.
- M. Parking.
 - (1) Two (2) off-street parking spaces shall be provided for each duplex unit.
 - (2) Direct access for off-street parking areas for duplex units shall be to interior streets within the site only.

ARTICLE XII, MR Multi Residential District

§ 500-1201. Purpose and intent.

[Amended 5-20-2008 by Ord. No. 08-05]

It is the purpose and intent of this district to provide for multi-residential development to meet the goals and objectives of the Middletown Township Comprehensive Plan and this chapter. It provides for medium-intensity multi-residential development in areas of the Township that in the past have been moderately or extensively developed. The standards and criteria for this district are set up to provide a method for encouraging efficient and attractive residential design and at the same time providing for the protection of natural resources, open space for recreational and aesthetic purposes, a mix and intensity of residential development which is compatible with existing uses and will also help to meet the housing needs within the Township.

§ 500-1202. Use regulations.

[Amended 10-2-2001 by Ord. No. 01-13]

The following uses shall be permitted in the MR District:

- A. Single-family detached dwelling, subject to the area and dimensional requirements of the R-1 Residence District (§§ 500-803 and 500-804). Section 500-1203 shall not be applicable to this use.
- B. Performance standard subdivision.
- C. Accessory use on the same lot with and customarily incidental to any permitted use in the district.
- D. Forestry/timber harvesting, pursuant to the regulations set forth in § 500-402 (M) of this chapter.

§ 500-1203. Performance standard subdivision.

The following housing types are permitted in a performance standard subdivision, subject to the area and dimensional requirements indicated below.

- A. Single-family detached dwelling. A single detached dwelling unit on an individual lot with private yards on all sides of the house.

(1) Area and dimensional requirements.

(a) Minimum lot area: seven thousand (7,000) square feet.

- (b) Average lot area: eight thousand (8,000) square feet.
- (c) Minimum lot width: seventy (70) feet.
- (d) Maximum building coverage: thirty percent (30%).
- (e) Maximum floor area ratio: sixty percent (60%).
- (f) Minimum yards.
 - [1] Front: thirty (30) feet.
 - [2] Side: ten (10) feet.
 - [3] Rear: forty (40) feet.
- (g) Maximum building height: thirty five (35) feet.
- (h) Maximum impervious surface ratio: forty percent 40%.
 [Added 5-20-2008 by Ord. No. 08-05]

B. Twin. semi-detached dwelling unit having only one (1) dwelling unit from ground to roof and only one (1) wall in common with another dwelling unit.

Area and Dimensional Requirements			
Minimum Lot			
	Area (square feet)	Average Lot Area (square feet)	Minimum Lot Width (feet)
1 bedroom	3,200	3,600	36
2 bedrooms	3,600	4,000	40
3 bedrooms	4,000	4,500	40
4 bedrooms	4,200	4,700	45

- (1) Maximum floor ratio: seventy percent (70%).
- (2) Maximum impervious surface ratio (on lot): thirty percent (30%).
- (3) Minimum yards.
 - (a) Front: thirty (30) feet.
 - (b) Side: ten (10) feet.
 - (c) Rear: twenty (20) feet.
- (4) Maximum building height: thirty five (35) feet.
- (5) Maximum impervious surface ratio (on lot): forty percent (40%).
 [Added 5-20-2008 by Ord. No. 08-05]

- C. Patio house. A detached or semi-detached dwelling unit, with one (1) dwelling unit from ground to roof, having individual outside access. Except for the street setback, the lot shall be fully enclosed by a wall four (4) to six (6) feet in height. All living spaces, i.e., living room, den and bedrooms, shall open onto a private open area or patio.

Area and Dimensional Requirements			
	Minimum Lot Area (square feet)	Average Lot Area (square feet)	Minimum Lot Width (feet)
1 bedroom	2,800	3,000	40
2 bedrooms	3,400	3,600	40
3 bedrooms	3,800	4,000	40
4 bedrooms	4,000	4,200	45

- (1) Maximum floor ratio: sixty percent (60%).
 - (2) Maximum impervious surface ratio (on lot): thirty five percent (35%).
 - (3) Minimum patio area: sixty five percent (65%) [ratio to lot area].
 - (4) Minimum patio dimension: twenty (20) feet.
 - (5) Minimum yards.
 - (a) Front: fifteen (15) feet.
 - (b) Side: ten (10) feet.
 - (c) Rear: twenty (20) feet.
 - (6) Minimum building spacing: twenty (20) feet.
 - (7) Maximum building height: twenty four (24) feet.
- D. Multiplex. An attached dwelling unit which may be arranged in a variety of configurations: side by side, back to back, or vertically. The essential feature is the small number of units attached. No more than five (5) units shall be attached in any structure, and structures shall average four (4) units each.

Area and Dimensional Requirements		
	Minimum Lot Area Per Dwelling Unit (square feet)	Average Lot Area Per Dwelling Unit (square feet)
Efficiency	800	1,000
1 bedroom	1,500	1,700
2 bedrooms	2,200	2,400
3 bedrooms	2,500	2,800
4 bedrooms	2,700	3,000

- (1) Maximum impervious surface ratio (on lot): thirty percent (30%).
- (2) Minimum lot area (per building): eight thousand (8,000) square feet.
- (3) Minimum lot width (per building) at setback line: eighty (80) feet.
- (4) Minimum building spacing: twenty four (24) feet.
- (5) Minimum building setbacks.
 - (a) Street lines: thirty (30) feet.
 - (b) Other property lines: twenty (20) feet.
 - (c) Parking areas: twenty (20) feet.
- (6) Maximum building height: thirty five (35) feet.

E. Atrium house. An attached dwelling unit, one (1) story in height, with individual outside access. The lot shall be fully enclosed by a wall four (4) to six (6) feet in height. A private yard, herein called an "atrium," shall be included on each lot. All living spaces, i.e., living room, den and bedrooms, shall open onto the atrium.

Area and Dimensional Requirements			
	Minimum Lot Area (square feet)	Average Lot Area (square feet)	Minimum Lot Width (feet)
1 bedroom	1,200	1,375	35
2 bedrooms	1,700	1,850	35
3 bedrooms	1,950	2,100	40
4 bedrooms	2,150	2,300	40

- (1) Maximum floor area ratio: sixty percent (60%).
- (2) Maximum impervious surface ratio (on lot): sixty percent (60%).
- (3) Minimum atrium area: thirty five (35%) [ratio to lot area].
- (4) Minimum atrium dimension: sixteen (16) feet.
- (5) Minimum yards.
 - (a) Front: ten (10) feet.
 - (b) Rear: sixteen (16) feet.
- (6) Minimum building spacing: twenty five (25) feet.
- (7) Maximum building height: twelve (12) feet.

F. Townhouse. An attached dwelling unit, with one (1) dwelling unit from ground to roof, having individual outside access. No more than eight (8) townhouses shall be attached in any group.

Area and Dimensional Requirements			
	Minimum Lot Area (square feet)	Average Lot Area (square feet)	Minimum Lot Width (feet)
1 bedroom	1,500	1,600	18
2 bedrooms	1,700	1,800	20
3 bedrooms	1,900	2,000	22
4 bedrooms	2,000	2,200	24

- (1) Maximum floor area ratio: seventy five percent (75%).
- (2) Maximum impervious surface ratio (on lot): thirty five percent (35%).
- (3) Minimum building spacing: thirty (30) feet.
- (4) Minimum building setbacks.
 - (a) Street lines: thirty (30) feet.
 - (b) Other property lines: twenty (20) feet.
 - (c) Paving areas: twenty (20) feet.
 - (d) Pedestrian walks: fifteen (15) feet.
 - (e) Maximum building height: thirty five (35) feet.
- (5) Maximum impervious surface ratio (on lot): forty five percent (45%).
 [Added 5-20-2008 by Ord. No. 08-05]

G. **Garden apartments.** A grouping of dwelling units sharing common elements which may include common outside access. The dwelling units share a common lot area, which is the sum of the required lot areas of all dwelling units within the building. Garden apartments shall contain three(3) or more dwellings in a single structure.

Area and Dimensional Requirements		
	Average Apartment Size (square feet)	Minimum Lot Area Per Dwelling Unit (square feet)
Efficiency	500	1,300
1 bedroom	655	1,750
2 bedrooms	950	2,000
3 bedrooms	1,125	2,250
4 bedrooms	1,330	2,550

- (1) Maximum floor area ratio (on lot): forty five percent (45%).
- (2) Maximum impervious surface ratio (on lot): fifty percent (50%).
- (3) Minimum lot area: one (1) acre.
- (4) Minimum street frontage: one hundred (100) feet.
- (5) Maximum number of units per building: sixteen (16) dwelling units.
- (6) Minimum building spacing: fifty (50) feet.
- (7) Minimum building setbacks.
 - (a) Street lines: fifty (50) feet.
 - (b) Other property lines: fifty (50) feet.
 - (c) Parking areas: thirty (30) feet.
- (8) Maximum building height: forty (40) feet.

§ 500-1204. Requirements for performance standard subdivisions.

The following requirements apply to performance standard subdivisions:

A. Area; density; open space; impervious surface:

Minimum Site Area (acres)	Maximum Density (dwelling units per acre)	Minimum Open Space	Maximum Impervious Surface
5	8	35%	40%

B. Buffer yard.

- (1) A twenty-fivefoot (25') wide buffer yard shall be provided along all property lines of the site. The buffer yard shall meet the requirements of § 500-2605.
- (2) The buffer yard shall not be part of the lot area assigned to a dwelling unit. In addition, no more than forty percent (40%) of the buffer yard may be counted towards meeting the minimum required open space.

C. Dwelling unit mix.

A mix of housing types is necessary to create a balanced community. Therefore, a mix is required, based on the number of dwelling units as set forth in the accompanying table.

Number of Dwellings in Development	Minimum Required Number of <u>Housing Types</u>	Maximum Percent Any <u>Housing Types</u>	Minimum Percent Any <u>Housing Type</u>
1 to 100	1	100%	20%
101 to 200	2	60%	15%
201 to 400	3	50%	10%
401 or more	4	50%	5%

D. Parking requirements.

- (1) Minimum number of spaces.
 - (a) One (1) [efficiency].
 - (b) Two (2) [one (1) bedroom, two (2) bedrooms].
 - (c) Three (3) [three (3) bedrooms or more].
- (2) An additional one-quarter (1/4) parking space per dwelling unit shall be provided for visitor parking.

ARTICLE XIII, RC Retirement Community District

§ 500-1301. Purpose and intent.

The purpose of this district is to allow for the creation of a planned community for senior citizens which would provide care, supervision, living accommodations, health care and recreation. Reasonable standards for the size of structures, open space and permitted uses are established for this district.

§ 500-1302. Use regulations.

[Amended 10-2-2001 by Ord. No. 01-13]

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Townhouse. An attached dwelling unit, with one (1) dwelling unit from ground to roof, having individual outside access. No more than eight (8) townhouses shall be attached in any group.
- B. Garden apartments. A grouping of dwelling units sharing common elements which may include common outside access. The dwelling units share a common lot area which is the sum of the required lot areas of all dwelling units within the building. Garden apartments shall contain three (3) or more dwellings in a single structure.
- C. Common facilities required to support the needs of retired, infirm or disabled persons such as: [Amended 5-20-2008 by Ord. No. 08-05]
 - (1) Dining facilities, including kitchens and accessory facilities, for residents and their guests.
 - (2) Social rooms, meeting rooms and overnight guest rooms.
 - (3) Health care facilities, including clinic, rehabilitation services, nursing care, convalescent care, intermediate care, extended care, personal care, laboratory, and other similar facilities.
 - (4) Administrative offices used in the management of the retirement community and health care facilities.
 - (5) Activity rooms, craft and hobby shops, gifts shops, and similar type uses.
- D. Accessory use on the same lot with and customarily incidental to any permitted use in the district.

- E. Forestry/timber harvesting, pursuant to the regulations set forth in § 500-402 (M) of this chapter.

§ 500-1303. Area, dimensional and design requirements.

[Amended 5-20-2008 by Ord. No. 08-05]

All uses in the RC District shall meet the following requirements:

- A. Minimum site area: fifteen (15) acres.
- B. Maximum density: twelve (12) dwelling units per acre.
- C. Maximum building coverage: thirty percent (30%).
- D. Minimum open space ratio: forty percent (40%).
- E. Minimum building setback.
 - (1) Street lines: one hundred (100) feet.
 - (2) Other property lines: fifty (50) feet.
- F. Maximum building height: four (4) stories or fifty feet (50'), whichever is less.
- G. Maximum impervious surface ratio: fifty percent (50%).
- H. Each dwelling unit shall have no more than two (2) bedrooms. The minimum habitable size of each dwelling unit shall be:
 - (1) Efficiency: four hundred (400) square feet.
 - (2) One bedroom: five hundred fifty (550) square feet.
 - (3) One bedroom with den: seven hundred (700) square feet.
 - (4) Two bedroom: eight hundred (800) square feet.

I. Buffer yard.

- (1) A fifty foot (50') wide buffer yard shall be provided along all property lines of the site. The buffer yard shall meet the requirements of § 500-2605.
- (2) The buffer yard may be counted towards meeting the minimum required open space.

J. The retirement community shall have access to a public street either directly or by means of a right-of-way at least fifty feet (50') in width.

K. Utilities.

Each retirement community shall be supplied with public sewer and water facilities. All utilities shall be installed underground.

L. Off-street parking.

There shall be one (1) parking space per dwelling unit and one (1) parking space per health-care facility bed.

M. Each retirement community shall be built as a single legal entity and shall be retained in single ownership. Fee sale of units shall be prohibited. In addition, all common facilities to support the needs of the residents of the retirement community shall remain under a single ownership.

ARTICLE XIV, MHP Mobile Home Park District

§ 500-1401. Purpose and intent.

The purpose of this district is to allow for the creation of a planned community of mobile homes or, where this use is not appropriate, for the orderly development of an office campus. Reasonable standards for the size of structures, open space and permitted uses are established for this district.

§ 500-1402. Use regulations.

[Amended 10-2-2001 by Ord. No. 01-13; 5-20-2008 by Ord. No. 08-05]

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

- A. Mobile home park.
- B. Accessory buildings, which shall be used solely for facilities directly related to the operation of the mobile home park. Such buildings may include a management office, storage facilities for the residents of the mobile home park, laundry facilities, maintenance buildings and storage for maintenance equipment, a community room and recreational facilities for the use of residents of the mobile home park. Such buildings shall not be commercial in nature.
- C. An office campus development when authorized by the Board of Supervisors as a conditional use, subject to the requirements of the OC Office Campus District.
- D. Accessory use on the same lot with and customarily incidental to any permitted use in the district.
- E. Forestry/timber harvesting, pursuant to the regulations set forth in Article IV, § 500-402 (M).

§ 500-1403. Mobile home park requirements.

The following requirements shall be applicable to mobile home parks and related accessory uses:

- A. Performance standards.
 - (1) Minimum site area: twenty-five (25) acres.
 - (2) Maximum density: five and one-half (5.5) dwelling units per acre.
 - (3) Minimum open space ratio: ten percent (10%).
 - (4) Maximum impervious surface ratio: forty percent (40%).

B. Area and dimensional requirements for mobile home lots.

	Minimum Lot Area (square feet)	Minimum Lot Width at Building Setback (feet)	Maximum Impervious Surfaces on Lot (percent)	Minimum Yard (feet)			Minimum Distance Between Units (feet)
				Front	Side	Rear	
Single-wide Units 51 feet long:	5,000	50	35	20	8	15	30
Single-wide Units 61 feet long:	5,450	50	35	20	8	15	30
Double-wide Units:	7,000	60	35	20	8	15	30

C. All mobile homes shall be set back from existing abutting public streets or roads not less than the following distances. These setback lines shall be measured from the street line.

- (1) Arterial highway: one hundred twenty (120) feet.
- (2) Collector street: eighty (80) feet.
- (3) Primary street: sixty (60) feet.
- (4) Secondary street: fifty (50) feet.
- (5) Marginal access street: forty (40) feet.

D. 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.

- (1) Each mobile home pad shall be at least equal in length and width to the dimensions of the mobile home to be placed thereon.
- (2) The pad, at least six (6) inches in thickness, shall be constructed from either 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. The corners of the mobile home shall be secured to prevent wind overturn and rocking 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 two thousand eight hundred (2,800) pounds.
- (3) Each mobile home shall be set level on sturdy and substantial supports.
- (4) The area between the ground level and the perimeter of the mobile home shall be enclosed by means of a suitable skirting.
- (5) The hitch which is employed for the normal movement of the unit shall be removed.

- E. Accessory buildings as defined in § 500-1402 (B) shall be subject to the following standards:
- (1) A maximum of twenty-five percent (25%) of the base site area shall be used for accessory buildings and uses. In computing this, all buildings, parking areas and required setbacks shall be included.
 - (2) All buildings shall be set back at least fifty feet (50') from adjacent mobile homes and interior streets in the mobile home park.
 - (3) All buildings shall comply with the buffer yard requirements.
 - (4) Adequate off-street parking shall be provided for such buildings and uses based on the required parking in Article XXVII for similar uses.
- F. Buffer yard requirements. A fifty foot (50') wide buffer yard shall be provided along the perimeter of the mobile home park. The buffer yard shall be in compliance with the provisions of § 500-2605 of this chapter.
[Amended 5-20-2008 by Ord. No. 08-05]
- G. Off-street parking. A minimum of two (2) off-street parking spaces shall be provided for each mobile home lot. An additional one (1) parking space per ten (10) mobile home lots shall be provided in a common parking area for visitors. Parking shall be prohibited on internal roads. It shall be the duty of the owner or operator of the mobile home park to enforce this provision.

ARTICLE XV, C Commercial District

§ 500-1501. Purpose and intent.

The purpose of the Commercial District is to provide reasonable standards for the orderly expansion of general retail and other commercial uses in areas where a nucleus of such uses already exists or where, due to the character of the undeveloped land, the application of shopping center standards is not feasible. The standards of this district are designed to provide for the public convenience and to fulfill the other broad purposes of the chapter as set forth in § 500-101.

§ 500-1502. Use regulations.

[Amended 8-18-1992 by Ord. No. 92-8; 12-1-1992 by Ord. No. 92-13; 3-1-1994 by Ord. No. 94-02; 9-20-1994 by Ord. No. 94-15; 10-2-2001 by Ord. No. 01-13]

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other, provided that no use which is noxious or hazardous shall be permitted except in accordance with Article XXV of this chapter.

- A. Retail store, subject to the regulations set forth in Article XXIII, § 500-2316, of this chapter.
[Amended 7-11-2006 by Ord. No. 06-12; 5-20-2008 by Ord. No. 08-05]
- B. Bakery, confectionery, or custom shop for articles to be sold at retail on the premises.
- C. Personal service shop, such as, but not limited to, the following: barbershop, beauty parlor, shoe repair shop, dry-cleaning pickup store, tailor shop, automatic self-service laundry or dry-cleaning store.
- D. Eating establishment.
 - (1) Restaurant, cafe or other similar place serving food and beverages without drive-in service or take-out service.
 - (2) Restaurants having drive-in or take-out service when authorized by the Zoning Hearing Board as a special exception, provided that:
 - (a) No such establishment shall be located within five hundred (500) feet of an existing residence.
 - (b) The owner shall agree to enforce no-loitering regulations outside the premises.
 - (c) The hours of operation shall be limited to 7:00 a.m. to 12:00 midnight.

- E. Amusement or recreational establishment such as bowling alley, swimming pool, skating rink, dance hall, golf driving range and indoor theater when authorized by the Board of Supervisors as a conditional use, provided that:
 - (1) No such establishment shall be located within five hundred (500) feet of an existing residence.
 - (2) The minimum lot area shall be forty thousand (40,000) square feet.
 - (3) The owner shall agree to enforce no-loitering regulations outside of the premises.
- F. Professional, business or government office.
- G. Bank or similar financial institution.
- H. Mortuary or funeral home.
- I. Parking lot, which use shall not include any on-site dispensing of motor vehicle petroleum fuels and/or lubricants.
- J. Electric substation, telephone or telegraph office.
- K. General service shop such as upholsterer, electrician, plumber and repair shop for items including, but not limited to, appliances, lawn mowers, watches, bicycles, locks or small business machines.
- L. Newspaper or job printing.
- M. Apartment for one family in combination with a business use when occupied by the owner or caretaker.
- N. Shopping center. A group or groups of integrated buildings on a site of two (2) acres or more within which retail trade and related service activities are collected, subject to the following requirements:
 - (1) All buildings shall take access from an internal drive or roadway.
 - (2) The shopping center shall be designed as a complex of related structures and circulation patterns and shall include improvements for internal drives, coordinated utilities, landscaping and buffering.
 - (3) The shopping center shall conform in all respects to the use regulations and area, dimensional and design requirements of §§ 500-1602 and 500-1603 of this chapter. Other allowable uses shall be limited to amusement or recreational establishments, as set forth in § 500-1502 (E), and motor vehicle service stations, as set forth in § 500-1502 (Q) of this chapter. The requirements of § 500-1502 (J) of this chapter shall apply to all shopping center uses fronting on Lincoln Highway.

- O. Tourist house, hotel or motel, when authorized by the Board of Supervisors as a conditional use in accordance with the following standards and criteria:
- (1) Such establishment may furnish sleeping accommodations only for tourists or short-term (ten days or less) transient guests.
 - (2) The minimum lot area shall be forth thousand (40,000) square feet.
 - (3) Cooking and housekeeping units shall not be provided as a part of this land use.
- P. Motor vehicles sales establishments when authorized by the Board of Supervisors as a conditional use in accordance with the following standards and criteria:
- (1) The minimum lot area shall be sixty thousand (60,000) square feet.
 - (2) There shall be minimum frontage of two hundred feet (200') on the street.
 - (3) Buffer yard. Twenty feet (20') or as specified in § 500-1503, whichever is greater. The buffer yard shall be provided along the perimeter of the lot and shall be in accordance with the provisions of § 500-2605 of this chapter.
 - (4) No motor vehicles offered for sale shall be displayed in the required yards set forth in Subsection P(3) above or in § 500-1503.
 - (5) A motor vehicle sales establishment shall not include any on-site dispensing of motor vehicle fuels to patrons or the general public, unless such fuels are included as part of a single sale of a motor vehicle or are primarily intended for use as lubricants and not as combustibles.
 - (6) No streamers or festoon lighting, comprising a group of incandescent light bulbs, shall be hung or strung on a building or structure. In addition, light bulbs not shielded, hooded or otherwise screened to prevent the direct rays of the light from shining on an adjacent property or right-of-way are prohibited.
 - (7) Automobile painting, bodywork or automobile repairs shall be permitted on the premises, provided all repair and paint work shall be performed within a closed building. All automobile parts, refuse and similar articles shall be stored within a building or fully enclosed area.
 - (8) All driveways and paving areas shall be constructed of asphalt or concrete.
 - (9) Outdoor storage of tires, machines, tools, automotive parts and equipment shall be prohibited.
 - (10) Every motor vehicle sales establishment shall have a permanent building for offices, show rooms and display which shall have a minimum of nine hundred (900) square feet of floor area.

(11) Sales shall be limited to new or used passenger vehicles. The sale of new or used motorcycles, campers, trucks, busses, tractors, trailers and other similar vehicles shall be prohibited.

Q. Motor vehicle service station when authorized by the Board of Supervisors as a conditional use, provided that:

- (1) The motor vehicle service station is operated as a retail business for the sale directly to consumer-vendees of the following products and services only:
 - (a) Gasoline or substitute fuels, as well as lubricants, solvents, detergents and other liquids, solids, prefabricated equipment or parts which are reasonable and necessary for the operation and function of motor vehicles; limited, however, to the dispensing or application thereof directly in, into or on the fuel tank, engine or other integral parts of a motor vehicle of a consumer-vendee.
 - (b) Services and noncombustible merchandise directly related or accessory to motor vehicles; limited, however, to such services and merchandise which are sold or incidentally provided to the consumer-vendee of such motor vehicle.
 - (c) Consumer products dispensed by automatic vending machines and intended for consumption, such as food, beverages and tobaccos.
- (2) Except for access drives and curbing, the front yard to a depth of fifteen feet (15') shall be planted and landscaped in accordance with the reasonable recommendations of the Middletown Township Planning Commission. The required side and rear yard setbacks shall be planted and landscaped in accordance with the reasonable recommendations of the Middletown Township Planning Commission. No paving or parking shall be permitted in the required side or rear yards.
- (3) Fuel pumps may be located no closer than thirty feet (30') to any street line, except that the appurtenant fuel tank supplying such pump may be located without regard to such limitations but shall at all times be underground and protected against leakage of any flammable and volatile liquids. Approval shall be secured from the Pennsylvania State Police Fire Marshal for the underground storage of fuel.
- (4) In order to minimize the dangers and disturbances from flammable, noxious, malodorous, noisome and/or hazardous activities and products to which the community and general public may be exposed, the following limitations are imposed on any proposed use in this district:

- (a) All services, sales, merchandise and products shall be performed, transacted, provided and stored within an enclosed building, except for the following:
 - [1] Products dispensed by automatic vending machines.
 - [2] Fuel pump sales.
 - [3] Merchandise and products which may be provided at or incidental to fuel pump sales.
- (b) Services and sales, except for self-service pumping of fuel, shall be performed only by the owners or tenants of the building or lot and their employees.

- (5) Access drives shall meet the following standards:
 - (a) The maximum width of an access drive shall be thirty feet (30'), measured at the curb.
 - (b) For one access drive to be located on a street, the minimum lot width along such street shall be one hundred fifty feet (150'). For two (2) access drives to be located on a street, the minimum lot width shall be two hundred feet (200').
 - (c) No more than two (2) access drives shall be located on any one (1) street and such access drives shall be at least one hundred five feet (105') apart, measured center line to center line, and at least 40 feet (40') from the point of intersection of any intersecting street lines.

R. Retirement community being a form of residential use for retiring and aging persons containing certain support facilities for them which will offer a continuum of care as they age. Uses permitted in a retirement community shall consist of the following:

- (1) Retirement living units which shall be grouped in order to share common elements, which may include common outside access. Each building shall contain at least three (3) living units in a single structure.
 - (a) Each dwelling unit shall have no more than two (2) bedrooms. The minimum habitable size of each dwelling unit shall be as follows:

Type of Unit	Minimum Habitable Size of Each Dwelling Unit (square feet)
Efficiency	400
One-bedroom	500
One-bedroom with den	700
Two-bedroom	800

- (2) Personal care facilities shall be permitted where persons may reside who have previously lived independently but who have developed a need for personalized care. A personal care facility is an establishment in which food, shelter, personal assistance or supervision are provided for periods exceeding twenty-four (24) hours for more than three (3) adults who are not relatives of the operator and who require assistance or supervision in matters such as dressing, bathing, diet or medication prescribed for self administration, but who do not require hospitalization or care in a skilled nursing or intermediate care facility. Such facility shall comply with the Pennsylvania Department of Public Welfare regulations for personal care facilities.
- (3) Day-care facilities for elderly, nonresidents of the retirement community may be operated by the retirement community as a service to the community and as an alternative form of care whereby persons needing care may live with their children or their guardian during aging years but may be left in the care of qualified persons during working hours.
- (4) Retail facilities, administrative and activity areas shall be permitted for the use of residents and their guests. No outside advertising shall be permitted for the retail facilities. The retail facilities may include the following:
 - (a) Barbershop and beauty shop.
 - (b) Pharmacy.
 - (c) Commissary.
 - (d) Newsstand.
 - (e) Gift shop.
 - (f) Snack bar/coffee shop.
- (5) Common facilities required to support the needs of retiring and aging persons, such as dining facilities, kitchens and accessory facilities, as well as social rooms, meeting rooms, over night guest rooms, activity rooms, crafts and hobby shops, library and similar type uses, shall be permitted.
- (6) Accessory uses on the same lot with and customarily incidental to retirement community uses shall be permitted.
- (7) Area and dimensional requirements. The retirement community use in a C Commercial District shall meet the following requirements:
 - (a) Minimum site area: ten (10) acres.
 - (b) Maximum density: twelve (12) units per acre.
 - (c) Maximum building coverage: thirty percent (30%).
 - (d) Minimum open space area: forty percent (40%).

- (e) Minimum building setback.
 - [1] Street lines: one hundred (100) feet.
 - [2] Other property lines: seventy five (75) feet.
- (f) Maximum building height: four (4) stories or fifty feet (50'), whichever is less.
- (g) Buffer yard. Along any adjacent land in Middletown Township zoned for or in residential use a buffer yard of not less than seventy five feet (75') feet shall be provided. However, where such adjacent land in a residential development is designated open space, parking shall be permitted in the interior twenty five feet (25') of the buffer yard.
- (8) Utilities. Each retirement community shall be supplied with public sewer and water facilities. All telephone and electric lines shall be installed underground.
- (9) Off-street parking. There shall be 0.75 parking spaces per dwelling unit and 0.75 parking spaces per health care facility bed.
- S. Accessory use on the same lot with and customarily incidental to any permitted use in this district.
- T. Signs when erected and maintained in accordance with the provisions of Article XXVIII.
- U. Any use of the same general character as any of the above permitted uses, when approved and authorized as a conditional use by the Board of Supervisors.
- V. Forestry/timber harvesting, pursuant to the regulations set forth in § 500-402 (M) of this chapter.

§ 500-1503. Area, dimensional and design requirements.

[Amended 12-1-1992 by Ord. No. 92-13; 3-1-1994 by Ord. No. 94-02]

Unless a greater area or dimensional regulation is stated in § 500-1502, Use regulations, for a specific use, all uses in the C District shall meet the following requirements:

- A. Minimum lot area: twenty thousand (20,000) square feet.
- B. Minimum lot width: one hundred (100) feet.
- C. Maximum building coverage: thirty percent (30%).
- D. Maximum impervious surface ratio: sixty percent (60%).
- E. Maximum building height: fifty (50) feet.

- F. Minimum yards.
 - (1) Front: fifty (50) feet.
 - (2) Side: fifteen (15) feet.
 - (3) Rear: twenty (20) feet.
- G. Minimum building spacing: thirty (30) feet.
- H. Buffer yard. Along any adjacent land zoned for or in residential or agricultural use, a buffer yard shall be provided which shall be not less than seventy five feet (75') in width measured from the property line or from the street line. The buffer yard shall be in accordance with the provisions of § 500-2605.
- I. Parking and loading. Off-street parking and loading space, pedestrian walkway and motor vehicle access shall be provided in accordance with the provisions of Article XXVII and the regulations of the Subdivision and Land Development Ordinance (Chapter 440).
- J. Special planting strip. For properties fronting on Lincoln Highway, a twelve foot (12') wide planting strip shall be provided along the road frontage. Additionally, the rearmost five (5) feet of this planting strip shall be landscaped with trees and shrubs in a manner which is satisfactory to the Middletown Township Planning Commission.
- K. A traffic and transportation impact study prepared in accordance with the requirements set forth in the Middletown Township Subdivision and Land Development Ordinance (Chapter 440) may be required depending upon applicability criteria.
- L. Phasing of development and internal site improvements is permissible in accordance with the requirements of the Middletown Township Subdivision and Land Development Ordinance (Chapter 440), provided that all off-site improvements shall be included and completed within the first phase of development.

ARTICLE XVI, CS Shopping Center District

§ 500-1601. Purpose and intent.

The purpose of the Shopping Center District is to provide for the appropriate development of modern, well-designed, integrated retail shopping centers. The principal use of land in this district shall be commercial and service uses to serve surrounding residential areas. In order to preserve residential values and protect the general welfare, design standards which will reduce traffic and parking congestion are incorporated into the district. Among other things, the shopping center shall be comprised of a group or groups of integrated buildings within which retail trade and related service activities shall be conducted with convenient, safe and adequate vehicular and pedestrian accessways, and safe and adequate off-street parking and loading facilities.

§ 500-1602. Use regulations.

[Amended 10-2-2001 by Ord. No. 01-13]

A building may be erected or used, and a lot may be used or occupied for any of the following purposes and no other:

- A. Retail store, subject to the regulations set forth in Article XXIII, § 500-2316, of this chapter.
[Amended 7-11-2006 by Ord. No. 06-12; 5-20-2008 by Ord. No. 08-05]
- B. Bakery, confectionery, or custom shop for articles to be sold at retail on the premises.
- C. Personal service shop, such as, but not limited to, the following: barbershop, beauty parlor, shoe repair shop, dry-cleaning pickup store, tailor shop, automatic self-service laundry or dry-cleaning store.
- D. Restaurant, cafe, or other similar place serving food and beverages, without drive-in service.
- E. Indoor amusement or recreational establishment, such as bowling alley, swimming pool, skating rink, dance hall, golf driving range and indoor theater, but not including outdoor motion-picture establishment.
- F. Assembly hall or community building.
- G. Library or museum.
- H. Day-care center.
- I. Professional, business or government offices.

- J. Bank or similar financial institution.
- K. Parking lot, which use shall not include any on-site dispensing of motor vehicle petroleum fuels and/or lubricants.
- L. Electric substation, telephone or telegraph office.
- M. General service or repair shop, restricted to such uses as watch repair, television repair, and upholstery when incidental to furniture sales.
- N. Apartment for one family in combination with a business use when occupied by the owner or caretaker.
- O. Accessory use on the same lot with and customarily incidental to any permitted use in this district.
- P. Signs when erected and maintained in accordance with the provisions of Article XXVIII.
- Q. Forestry/timber harvesting, pursuant to the regulations set forth in § 500-402 (M) of this chapter.

§ 500-1603. Area, dimensional and design standards.

[Amended 5-27-1997 by Ord. No. 97-10]

Unless a greater area or dimensional regulation is stated in § 500-1602, Use regulations, for a specific use, all uses in the CS District shall meet the following requirements:

- A. Minimum lot area: two (2) acres.
- B. Minimum lot width: one hundred fifty (150) feet.
- C. Maximum building coverage: thirty percent (30%).
- D. Maximum impervious surface ratio: sixty percent (60%).
- E. Maximum building height: fifty (50) feet.
- F. Minimum yards.
 - (1) Front: fifty (50) feet.
 - (2) Side: twenty five (25) feet.
 - (3) Rear: fifty (50) feet.
- G. Minimum building spacing: twenty (20) feet.

- H. Buffer yard. Along any adjacent land in existing residential or agricultural use, a buffer yard shall be provided which shall be not less than seventy five feet (75') in width measured from the property line or the street line. The buffer yard shall be in accordance with the provisions of § 500-2605.
- I. The proposed development shall be constructed in accordance with an overall plan and shall be designed as a single architectural style with appropriate landscaping. The proposed development shall initially provide for the construction of either a minimum of seven thousand five hundred (7,500) square feet of floor area or a minimum of six (6) of the permitted uses listed in § 500-1602.
- J. All buildings shall be arranged in a group or groups.
- K. Adequate areas shall be provided for loading and unloading of delivery trucks and other vehicles; servicing of shops by refuse collection, fuel, fire and other service vehicles; automobile accessways and pedestrian walks. All areas provided for use by vehicles shall be constructed in accordance with Township specifications.
- L. Parking, loading, and service areas used by motor vehicles shall be located entirely within the lot lines of the shopping center, shall be physically separated from public streets, and shall have not more than two (2) accessways to any one (1) public street. The center line of any accessway shall be located at least two hundred feet (200') from the point of intersection of any intersecting street lines.
- M. Off-street parking shall be provided in accordance with the provisions of Article XXVII.
- N. The proposed shopping center shall be served by adequate public water and public sewage disposal facilities.
- O. Shopping centers shall take access from an arterial or collector highway.
- P. Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.

ARTICLE XVII, GB General Business District

§ 500-1701. Purpose and intent.**[Amended 3-26-1991 by Ord. No. 91-16]**

The purpose of the General Business District is to provide for major commercial, intensive office and light industrial uses in a concentrated area. Such developments should be planned for adequate improvements, internal streets, suitable open space and landscaping, and compatibility with adjacent uses.

§ 500-1702. Use regulations.**[Amended 10-2-2001 by Ord. No. 01-13]**

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Retail use and services, including the following:
 - (1) Retail store, subject to the regulations set forth in Article XXIII, § 500-2316 of this chapter.
[Amended 7-11-2006 by Ord. No. 06-12; 5-20-2008 by Ord. No. 08-05]
 - (2) Consumer service and personal service shops.
 - (3) Bank or similar financial institution.
 - (4) Restaurant.
 - (5) Indoor theater, radio and television studios.
 - (6) Hotel or motel which furnishes sleeping accommodations for tourists or short-term transient guests only. Such uses shall not include rental units equipped with cooking or housekeeping facilities.
- B. Professional, business or government offices.
- C. Religious and educational uses, including churches, public schools and schools for adult education.
- D. Community buildings, such as a municipal building, post office or library.
- E. Clinics of hospitals which are accessory and incidental to a medical office or a group of medical offices in one building.
- F. General service or repair shop.

- G. Utility and public services, including electric substation, telephone central office, and rail or bus passenger station.
- H. Laboratory uses (research, experimental and testing) which are not noxious or hazardous.
- I. Wholesale business, wholesale storage, warehousing, motor freight terminal, and express office.
- J. Light manufacturing activities which are not noxious or hazardous, as follows:
 - (1) Manufacture of clothing, hosiery and other textiles; fur or leather goods (not including tanning or dyeing); jewelry, clocks and watches; musical, professional and scientific instruments; optical goods and umbrellas.
 - (2) Manufacture or assembly of products from the following previously prepared materials: bone, canvas, ceramics, cork, feathers, felt, fur, glass, hair, horn, leather, paper, plastics, shells, and rubber (excluding all rubber and synthetic processing).
 - (3) Manufacture or assembly of light metal products, excluding foundries, drop forge plants, smelting, refining, alloying, or other basic metallurgical processes.
 - (4) Manufacture, bottling and distribution of non-alcoholic beverages.
 - (5) Printing and publishing establishments.
- K. Combining and processing of food products as an accessory or incidental use to the main use, such as a retail store, excluding all processing of meat or fish products.
- L. Heliport, subject to approval and authorization by the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation, and compliance with all applicable federal and state requirements.
- M. Apartment for one (1) family in combination with a business use when operated by the owner or caretaker.
- N. Accessory use on the same lot with and customarily incidental to any permitted use in this district.
- O. Signs when erected and maintained in accordance with the provisions of Article XXVIII.
- P. Any use of the same general character as any of the above permitted uses when authorized as a special exception by the Zoning Hearing Board.
- Q. Forestry/timber harvesting, pursuant to the regulations set forth in § 500-402 (M) of this chapter.

§ 500-1703. Area, dimensional and design requirements.

Unless a greater area or dimensional regulation is stated in § 500-1702, Use regulations, for a specific use, all uses in the GB District shall meet the following requirements:

- A. Minimum site area: fifty (50) acres.
- B. Minimum frontage at street line: three hundred (300) feet.
- C. Minimum building setback-site.
 - (1) Street lines: one hundred (100) feet.
 - (2) Other property lines: seventy five (75) feet.
- D. A minimum lot area of five (5) acres shall be provided for each principal use; however, up to nine (9) lots within the site may have a minimum lot area of one (1) acre.
- E. Minimum lot width: one hundred (100) feet.
- F. Maximum building coverage (on lot): thirty percent (30%).
- G. Maximum impervious surface ratio (on lot): sixty five percent (65%).
- H. Minimum building setbacks.
 - (1) Internal street lines: fifty (50) feet.
 - (2) Other internal lot lines: twenty five (25) feet.
- I. Minimum building spacing: thirty (30) feet.
- J. Minimum building height: two (2) stories.
- K. Maximum building height: one hundred (100) feet.
- L. Buffer yard. Along any adjacent land zoned for or in residential or agricultural use, a buffer yard shall be provided which shall be not less than seventy five feet (75') in width measured from the property line or the street line. The buffer yard shall be in accordance with the provisions of § 500-2605.
- M. Adequate areas shall be provided for loading and unloading of delivery trucks and other vehicles; servicing of shops by refuse collection, fuel, fire and other service vehicles; automobile accessways and pedestrian walks. All areas provided for use by vehicles shall be constructed in accordance with Township specifications.
- N. Parking, loading and service areas used by motor vehicles shall be located entirely within the General Business District.

- O. Any proposed development shall be served by adequate public water and public sewage disposal facilities.
- P. Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
- Q. Off-street parking shall be provided in accordance with the provisions of Article XXVII, except that shopping centers shall meet the requirements of § 500-1704.

§ 500-1704. Parking, loading, accessway and planting requirements applicable to shopping centers in GB District.

[Amended 12-1-1992 by Ord. No. 92-13; 3-1-1994 by Ord. No. 94-02; 2-11-1997 by Ord. No. 97-01]

The following paving, loading, accessway and planting requirements shall be the exclusive parking, loading, accessway and planting requirements of this chapter applicable to that portion of a General Business District which is developed as a shopping center. For purposes of this section, a "shopping center" shall be deemed to be an area principally devoted to establishments used for the sale of goods and services at retail, for office uses (including professional, business, administrative, finance, utility, insurance or government office) and related and ancillary facilities, including all parking and adjacent planted areas serving such establishments which are not separated therefrom by a paved area other than pedestrian walks or automobile accessways designed to carry traffic exclusively to and from such establishments.

- A. Off-street parking requirements. Shopping centers in the General Business District shall provide five and one-half (5.5) parking spaces for each one thousand (1,000) square feet of gross leasable area (other than offices) in excess of the first twenty five thousand (25,000) square feet; five (5) parking spaces for each one thousand (1,000) square feet of gross leasable area (other than offices) in excess of the first twenty five thousand (25,000) square feet up to one hundred thousand (100,000) square feet; and four and one-half (4.5) spaces for each one thousand (1,000) square feet of gross leasable area (other than offices) in excess of one hundred thousand (100,000) square feet. Offices shall provide two and one-half (2.5) parking spaces per one thousand (1,000) square feet of gross leasable area to the extent that such area exceeds twenty percent (20%) of the gross leasable area devoted to uses other than offices. "Gross leasable area" is the total floor area designed for tenant occupancy, including basement, mezzanines and upper floors, if any, expressed in square feet and measured from center lines of joint partitions and exteriors of outside walls. The gross leasable area does not include the area of any common malls or walkways or public facilities. Uses not specifically mentioned in these requirements shall be governed by the requirements set forth herein for a use which is of the same general character to the proposed unmentioned use or to which the proposed unmentioned uses are customarily incidental.

- B. Parking and maneuvering areas. Parking spaces and loading spaces shall be arranged so as to provide adequate space for parking maneuvers and circulation in the access drives and aisles with a minimum danger of accidental collision.
- (1) Off-street parking areas shall conform to the minimum dimensional standards set forth in § 440-421 of the Middletown Subdivision and Land Development Ordinance, as amended, and shall be subject to the requirements set forth in § 500-2704 herein.
 - (2) Striping shall be required as is set forth in § 500-2704 (F) (1) and (2).
- C. Automobile entrance and accessways. Shopping centers shall take access from an arterial or collector highway. Paved entrance and accessways to the parking area of a shopping center in a General Business District shall be a minimum of thirty feet (30') and a maximum of fifty feet (50') in width, except that there shall be provided widened radii where such accessways enter on streets and highways adjacent to the shopping center so that the width at the entrance to such streets and highways shall be a minimum of sixty feet (60') and a maximum of one hundred feet (100'). The locations of entrances and accessways shall be designed, constructed and maintained to provide safe and efficient ingress and egress for traffic without undue congestion or interference with the normal traffic flow on the streets and highways adjacent to the shopping center. The Township authorities reviewing proposed plans may require that adequate acceleration and deceleration lanes be provided on the streets and highways adjacent to the shopping center.
- D. Off-street loading requirements.
- (1) Paved areas for loading and unloading of delivery trucks, for refuse collection, fuel and other service vehicles, and for customer parcel pickup shall be provided on the land forming that portion of a General Business District which is devoted to shopping center use. Such areas shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with the safe use of access roads or lanes or required automobile parking spaces. Off-street loading space shall be provided for the retail establishments in the shopping center on the basis of the following minimum requirements:

Aggregate Gross Leasable Area in Shopping Center (square feet)	Required No. of Berths
00 to 32,000	1
32,001 to 80,000	2
80,001 to 188,000	3
188,001 to 192,000	4
192,001 to 256,000	5
256,001 to 320,000	6
320,001 to 392,000	7
For each additional 72,000	1 additional

- (2) An off-street truck loading or unloading berth shall be defined as an on-the-property space for the standing, loading and unloading of vehicles to avoid undue interference with the public use of streets and alleys. Such space shall be not less than twelve feet (12') in width, fourteen feet (14') in height, and fifty five feet (55') in length, exclusive of access aisles and maneuvering space. In order to permit safe and expeditious maneuvering of trucks and trailers, at least one hundred feet (100') of unobstructed paved access area shall be provided adjacent to each off-street truck loading or unloading berth. Loading areas shall be screened with walls or dense planting screen at least nine (9) feet high.
- E. Pedestrian walkways traversing the parking areas shall be provided. Such walkways shall be closed to automobile traffic except at points of intersection with automobile access or maneuvering lanes. Walkways shall be at least nine and one-half feet (9.5') wide and shall be delineated by painted markings on the paving and by planted areas or containers spaced at reasonable distances.
- F. Continuing character of obligation.
- (1) Compliance with the schedule of requirements in this section for vehicle parking and loading applicable to newly erected or substantially altered structures shall be a continuing obligation of the owner of any building affected by this chapter. It shall be unlawful for an owner to discontinue, change or dispense with or cause the discontinuance or change of the required vehicle parking or loading space, apart from the discontinuance, sale or transfer of such structures, without establishing alternative vehicle parking or loading space which meets the requirements of and is in compliance with this chapter. No person, firm or corporation shall use such building without acquiring such land for vehicle parking or loading space which meets the requirements of and is in compliance with this chapter.

- (2) All off-street parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. No open area in an off-street parking area shall be encroached upon by buildings, storage or any other use, nor shall the number of parking spaces be reduced in total extent after their provision except upon the approval of the Zoning Hearing Board, and then only after proof that, by reason of diminution in floor area, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this article.
- G. Plan of off-street parking and/or loading areas. For the purpose of constructing or converting parking and/or loading spaces into the required parking and/or loading areas, such areas shall be shown on the land development plan which shall be submitted to the Zoning Officer. Such plan shall indicate that the arrangement and number of parking and/or loading spaces and the aisles and accessways for parking maneuvers and ingress and egress to the parking and/or loading areas meet the requirements of this chapter.
- H. Mixed uses. The total requirements for off-street parking and off-street loading spaces shall be the sum of the requirements of the different uses computed separately as specified above in this section. No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this section shall be included as a part of an off-street parking area required for another building or use unless the type of structures indicate that the periods of usage of such structures will not be simultaneous with each other.
- I. Construction and maintenance of off-street parking places. All off-street parking facilities required pursuant to the provisions of this section shall be paved, drained and lighted; painted so as to indicate their location; periodically maintained by the owner in accordance with Township specifications; and arranged for convenient access and safety of pedestrians and vehicles. The off-street parking and loading areas shall be physically separated from any adjacent highway or street by a concrete cut and by a planting strip which shall be no less than twelve feet (12') in width. The applicant for a building permit requiring the installation of paved off-street parking shall, at the same time that he installs off-street parking, extend the paving of any street adjacent to the shopping center to the proposed curb. All planting strips shall be landscaped with a combination of shrubs, flowers or trees which the property owner shall choose and shall be maintained at all times in a neat and orderly manner. All sidewalks installed in the off-street parking areas or in the aforementioned planting strips shall be concrete and shall conform to Township specifications.

- J. Landscaping. There shall be incorporated within that portion of a General Business District which is principally devoted to development as a shopping center appropriate planting strips and other landscaped areas which shall include any combination of lawn, shrubs, flowers or trees which the property owner shall choose after consultation with the Township Planning Commission and shall be maintained at all times in a neat and orderly manner. Effective grouping of trees and shrubs may be substituted for planted islands. Such groupings shall be used to provide relief from massive, unbroken paved areas.

- K. Nonapplicability of other provisions. The requirements of Article XXVII, Off-Street Parking Regulations, shall not apply to that portion of a General Business District which is developed as a shopping center.

ARTICLE XVIII, P Professional District

§ 500-1801. Purpose and intent.

The purpose of the Professional District is to provide reasonable standards for the harmonious development of offices, medical facilities, and educational, religious and philanthropic institutions and other related uses where, because of the nature of the undeveloped land, intensive development is not appropriate. The construction of single-family detached dwellings will not be precluded from this district.

§ 500-1802. Use regulations.

[Amended 10-2-2001 by Ord. No. 01-13]

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Professional, business or government offices other than medical offices. Such uses shall not involve the actual storage, exchange or delivery of merchandise on the premises.
- B. Medical office or clinic for medical or dental examination or treatment of persons as outpatients, including laboratories incidental thereto. Such uses shall have a minimum lot area of twenty thousand (20,000) square feet.
- C. Financial institutions on a minimum lot area of twenty thousand (20,000) square feet.
- D. Mortuaries.
- E. Government or public buildings.
- F. Educational institutions, including dormitories, day-care centers and driving schools.
- G. Buildings for public worship.
- H. Philanthropic and other nonprofit institutions which are noncommercial in nature.
- I. Museums and libraries.
- J. Club, lodge or fraternal institutions on a minimum lot area of twenty thousand (20,000) square feet.
- K. Single-family detached dwelling subject to the area and dimensional requirements of the R-2 Residence District (§ 500-903). Section 500-1803 shall not be applicable to this use.

- L. Telephone central office, electric substation.
- M. Accessory use on the same lot with and customarily incidental to any permitted use in this district.
- N. Signs when erected and maintained in accordance with the provisions of Article XXVIII.
- O. Forestry/timber harvesting, pursuant to the regulations set forth in § 500-402 (M) of this chapter.

§ 500-1803. Area, dimensional and design requirements.

Unless a greater area or dimensional regulation is stated in § 500-1802, Use regulations, for a specific use, all uses in the P District shall meet the following requirements:

- A. Minimum lot area: ten thousand (10,000) square feet.
- B. Minimum lot width: eighty (80) feet.
- C. Maximum building coverage: twenty percent (20%).
- D. Maximum impervious surface ratio: fifty percent50%.
- E. Maximum building height: thirty five (35) feet.
- F. Minimum yards.
 - (1) Front: fifty (50) feet.
 - (2) Side: twenty (20) feet.
 - (3) Rear: twenty five (25) feet.
- G. Buffer yard. Along any adjacent land zoned for or in residential or agricultural use, a buffer yard shall be provided which shall be not less than seventy five feet (75') in width, measured from the property line or the street line. The buffer yard shall be in accordance with the provisions of § 500-2605.
- H. Parking. Off-street parking shall be provided in accordance with the provisions of Article XXVII.
- I. Each use shall be served by adequate public water and public sewage disposal facilities.

ARTICLE XIX, M-1 Light Manufacturing District

§ 500-1901. Purpose and intent.

The purpose and intent of this district is to provide reasonable standards for the orderly development of light manufacturing uses and such other uses as are related or accessory thereto; to establish reasonable standards for buildings and other structures, including lot areas and dimensions of yards and other open spaces; and to ensure that facilities and industries operate in a manner which will minimize air pollution, noise, glare, heat, vibration, and fire and safety hazards. The Light Manufacturing District is intended to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Township and contribute to the soundness of the economic base of the Township.

§ 500-1902. Use regulations.

[Amended 8-18-1992 by Ord. No. 92-8; 3-23-1999 by Ord. No. 99-03; 10-2-2001 by Ord. No. 01-13; 11-13-2001 by Ord. No. 01-17]

- A. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other, provided that no use which is noxious or hazardous shall be permitted except in accordance with Article XXV of this chapter.
- (1) Agriculture and horticulture on a minimum lot area of five (5) acres.
 - (2) Municipal building or recreation facility.
 - (3) Dwelling quarters in combination with a permitted use for watchmen or caretakers employed on the premises.
 - (4) Professional, business or government offices.
 - (5) Research, testing or experimental laboratory.
 - (6) Public utility operating facility, which may occupy no more than ten percent (10%) of the property upon which it is located.
 - (7) Manufacturing, including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs, and products.
 - (8) Wholesale storage, warehousing and wholesale businesses engaged in the sale of commodities in quantity exclusively to retailers, other businesses or industrial, institutional and commercial customers for resale or business use only.

- (9) Amusement and recreational establishments or athletic facilities, provided that these uses are limited to indoors or within the confines of a fully enclosed building.
- (10) Industrial parks, which shall be a combination of lots for permitted light manufacturing uses on a site of ten (10) or more acres. Such parks shall be planned developments of light manufacturing uses and related uses, which shall include improvements for internal streets, coordinated utilities, landscaping and buffering.
- (11) General airport facilities, including accessory sales, services and rentals, when authorized as a conditional use by the Board of Supervisors, subject to the following:
 - (a) Such use shall only be permitted as part of an industrial park which is fifty (50) acres or more in size.
 - (b) Such use shall be approved and authorized by the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation, and shall comply with all applicable federal and state requirements.
- (12) Printing, publishing, binding.
- (13) Contracting offices and shops, such as building, concrete, electrical, heating, masonry, painting, and roofing.
- (14) Trucking yard or terminal; packing and crating; express, carting or hauling station. Truck terminals shall be licensed by the Public Utilities Commission. Such use shall be located no closer than five hundred feet (500') feet to a residential district. Trucks with compressors running twenty-four (24) hours a day shall be located within a quadrangle of buildings or walls and surrounded by a landscaped earthen berm.
- (15) Lumberyard, where lumber products are sold or processed. This principal use may be combined with a planing mill.
- (16) Planing mill, where wood products are sold or processed to finish items such as siding, trim, etc. This principal use may be combined with a lumberyard.
- (17) Fuel storage and distribution, including the storage and distribution of fuel oil or coal. Approval shall be secured from the Pennsylvania State Police Fire Marshal for the underground storage of fuel.

- (18) Mini warehouse when authorized by the Zoning Hearing Board as a special exception, provided that the following requirements shall be met:
- (a) No outdoor storage shall be permitted.
 - (b) The storage facilities complex shall be surrounded by a fence at least eight feet (8') in height of a type approved by the Township.
 - (c) Minimum aisle width between buildings shall be twenty six feet (26').
 - (d) One (1) office and one (1) dwelling unit are permitted as accessory uses.
 - (e) Approval shall be obtained from the Township Police Chief and Fire Marshal regarding security and fire protection.
 - (f) Each structure shall not exceed six thousand (6,000) square feet in size.
 - (g) Minimum requirements for lease restrictions:
 - [1] No business activities other than leasing of storage units shall be permitted.
 - [2] No explosive, toxic, radioactive or highly flammable materials shall be stored on the property.
 - (h) Parking. One (1) off-street paving space for each two thousand (2,000) square feet of gross floor area of storage. These parking spaces should be distributed equally throughout the storage facility. In addition, one (1) off-street paving space for each ten thousand (10,000) square feet of gross floor area of storage shall be provided at the project office for use by prospective clients.
- (19) Truck repair shop for vehicles with a gross weight of more than fourteen thousand (14,000) pounds.
- (20) Adult commercial use in a building or structure with more than seventy five (75) square feet of floor area or two percent (2%) of the total floor area, whichever is less, devoted to activities of the type which are prescribed by 18 Pa.C.S.A. § 5903. An adult commercial use shall be permitted when authorized by the Zoning Hearing Board as a special exception, provided that:
- (a) The building or structure of such use shall be located no less than five hundred feet (500') from any residential use or district, public or private school, church, recreation facility or any other religious, institutional or educational use.
 - (b) No such use shall be located within two thousand feet (2,000') of a similar use.

- (c) No materials sold within shall be visible from any window, door or exterior of the building or structure.
- (d) No person under the age of seventeen (17) years of age shall be permitted to patronize an adult commercial use or be sold any pornographic material.
- (21) Temporary or transient businesses which utilize outdoor display of any goods, wares or merchandise offered for sale by said business; provided, however, said use shall comply with the following regulations:
 - (a) Said business shall have a current Middletown Township temporary or transient business license, and the conduct of said business shall be in compliance with the applicable terms and conditions of the Middletown Township Peddling and Solicitation Ordinance (Chapter 345).
 - (b) Said business shall not be permitted on premises fronting on or adjacent to any expressways or arterial streets.
 - (c) Said business shall provide at least one (1) off-street parking space for each fifty (50) square feet of gross outdoor display area in addition to the off-street parking space requirements pursuant to Article XXVII.
 - (d) No part of the outdoor display shall occupy any portion of the street right-of-way, sidewalks or other areas intended or designed for pedestrian use, required parking areas, or the required front, side or rear yards.
 - (e) The outdoor display area shall occupy an area of less than one-third ($\frac{1}{3}$) of the existing building coverage.
- (22) Emergency services, including fire, rescue and other emergency services of a municipal or volunteer nature.
- (23) Accessory uses on the same lot with and customarily incidental to any of the above permitted uses.
- (24) Signs when erected and maintained in accordance with the provisions of Article XXVIII.
- (25) Any use of the same general character as any of the above permitted uses when authorized as a conditional use by the Board of Supervisors.
- (26) Automobile painting, bodywork or automobile repair. All repair and paint work shall be performed within a closed building. All automobile parts, refuse and similar articles shall be stored within a building or fully enclosed area.

- (27) Personal service establishment, provided that:
- (a) It shall be unlawful to establish a personal service establishment within one thousand (1,000) linear feet of:
 - [1] A church, synagogue or regular place of religious worship.
 - [2] A public or private elementary or secondary school.
 - [3] A boundary of any residential district.
 - [4] A public park.
 - [5] A licensed day-care center.
 - [6] Another personal service establishment.
 - (b) For purposes of this chapter, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building or structure used as a part of the premises where a personal service establishment is conducted to the nearest property or boundary line, whichever is closer, of the premises enumerated in Subsection A(27)(a)[1] through [6] of this section.
- (28) Forestry/timber harvesting, pursuant to the regulations set forth in § 500-402(M) of this chapter.
- (29) Quarry, including extractive operations for sand, clay, shale, gravel, topsoil, stone and similar operations, including borrow pits (excavations for removing material for filling operations), when authorized by the Zoning Hearing Board as a special exception, provided that the following requirements shall be met:
- (a) No extraction shall be conducted on a lot area less than twenty five (25) acres. No extraction shall be conducted closer than two hundred feet (200') feet to the boundary of any district in which extraction is permitted nor closer than three hundred feet (300') from the center line of any street, nor closer than four hundred feet (400') to the point of intersection of the center lines of two (2) 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 feet (15') and maximum height of fifty feet (50'). The slope of the sides of the berm shall not exceed a 1:1 ratio. Berms shall be planted and seeded and erosion control measures shall be taken as may be approved by the U.S. Natural Resources 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 feet (50') to a district in which extraction is not permitted. The Township may require additional planting pursuant to the standards of § 500-2605 of this chapter.

- (b) A chain link fence at least ten feet (10) 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').
- (c) 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 Township Subdivision and Land Development Ordinance (Chapter 440).
- (d) 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.
- (e) All operations shall be conducted with sufficient lateral support to be safe with respect to: hazard to persons; physical damage to adjacent lands or improvements; or damage to any street, sidewalk, parking area or utility by reason of slide, sinking or collapse.
- (f) Stockpiles shall not exceed one hundred feet (100') in height and shall not be located closer than two hundred feet (200') to any district boundary line nor closer than three hundred feet (300') to the center line 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.
- (g) 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.

- (h) 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 and 165, 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 center line of any street.
- (i) The operator shall, within six (6) months of the effective date of this Subsection A(29), obtain a use and occupancy permit as required by § 500-3007 of this chapter.
- (j) Off-street parking spaces shall be provided as the Township Board of Supervisors and Planning Commission shall determine as adequate to serve customers, employees, visitors and vehicles normally parked on the premises.
- (k) Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practical after excavation. Grading and backfilling may be accomplished by the use of waste products of the operation or other clean fill materials, providing such materials are composed of nonnoxious, noncombustible solids.
 - [1] When excavations that provide for a body of water or part of the final use of the tract, the bank of excavation shall be sloped to a minimum ratio of seven feet (7') horizontal to one foot (1') vertical, beginning at least fifty feet (50') from the edge of the water and maintained into the water to a depth of five feet (5').
 - [2] Drainage, either natural or artificial, shall be provided so that disturbed areas do not collect water or allow stagnant water to remain.
- (l) Hours of operation. No blasting shall occur between the hours of 6:00 p.m. and 7:00 a.m.; no blasting shall occur on Saturday or Sunday.
- (m) Rehabilitation and conservation requirements.
 - [1] The owner, operator, lessee of any extractive operation shall, at the time of application for a zoning permit, submit to the Township its reclamation plan as submitted to the Pennsylvania Department of Environmental Protection. No permit shall be issued where said reclamation plan provides for quarrying in areas of the site not permitted by this subsection.

- [2] Along with said plan, the applicant shall include a timetable for the reclamation proposed for the site in general with an actual timetable for reclamation of slopes as may be found reasonable by the Zoning Hearing Board within the setback areas.
- [3] Owner, lessee or operator of any extraction operation within the municipality shall, within six (6) months from the date of this subsection or receipt of a zoning permit authorizing said extraction operation, whichever is the later, submit a plan which shall include descriptions and plans for suitable after-conditions or after-uses for all the land affected.
- [4] Plans for rehabilitation uses may include the following after-uses, among others:
 - [a] Open areas suitably graded and covered with suitable shrubs, grasses or trees.
 - [b] Recreation land, ponds and lakes.
 - [c] Agriculture of any type.
 - [d] Sites for residential use.
- [5] Rehabilitation shall commence within one (1) year following completion or the discontinuance for a period of one (1) year of any extractive operation (or the completion of the excavation of a portion of an entire operation which can feasibly be restored separately from other portions of the operation and which is not necessary to the operation). Such rehabilitation shall be completed within five (5) years from the date rehabilitation commenced, except where a longer period of time is specifically authorized as part of the rehabilitation program.
- [6] Rehabilitation shall include removal of all debris, temporary structures and stockpiles.
- [7] A layer of arable soil of sufficient depth to sustain grass, shrubs and trees shall be provided in those parts of the operation where feasible to do so. Grass, shrubs and trees native to their area shall be planted thereon within six (6) months after the providing of arable soil.
- [8] Where the extraction operations are to be filled as part of the rehabilitation process, no material shall be used for fill purposes other than earth, stone, sand, concrete or asphalt.

- [9] Water accumulation upon the site may be retained after the completion of such operations where the excavation cannot be reasonably drained by gravity flow, provided that adequate provision shall be made to avoid stagnation, pollution and the danger of improperly controlled release of such waters from the site.
 - [10] Upon receipt of the rehabilitative plans, the Township shall review the plans to ensure compliance with all provisions of this performance standard. Upon approval thereof, the Township shall issue a certificate indicating approval of the plans as submitted or amended, and the approved plans should be permanently filed in the official records of the Township.
 - [11] Plans may be amended from time to time by approval of the Township upon application of the owners.
 - [12] A performance bond may be required by the Township in an amount determined by the Township to be sufficient to ensure the rehabilitation of the affected site in accordance and compliance with the standards for the issuance of any original permit or annual renewal permit in accordance with the provisions of the plan of rehabilitation as submitted pursuant to this subsection, if the bond posted with the Commonwealth of Pennsylvania Department of Environmental Protection or other agency is not kept in force or if the Township is not named therein. The Township may require that the bond posted with any state agency may not be withdrawn or reclaimed without Township approval. With the approval of the Township, and for such period or periods as may be specified, an owner may be permitted to post his own bond without corporate surety.
- (30) 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 as its primary function the mixing of materials to make concrete. Such uses shall be permitted when authorized by the Zoning Hearing Board as a special exception, provided that:
- (a) Bituminous asphalt and ready-mix concrete plants shall be permitted only as accessory uses to use in Subsection A(29), Quarry.

- (b) In addition to the requirements of use in § 500-1902(A)(29), 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 special exception 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 § 500-2605 of this chapter 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 a special exception for a bituminous asphalt and/or ready-mix concrete plant accessory to a quarry use may be required by the Zoning Hearing Board of the Township in which the application is filed to submit an environmental impact assessment report.

- (31) Adult business, subject to the following requirements: [Added 5-20-2008 by Ord. No. 08-05]
 - (a) Purpose. It is the purpose of this section to address the negative impacts associated with adult or sexually oriented businesses as identified in the legislative findings made in connection with the adoption of Chapter 120, Adult Businesses, of the Code of Middletown Township, to reduce or prevent neighborhood blight, to protect and preserve the quality of the Township's neighborhoods and commercial districts, to protect the Township's retail trade, to maintain property values, to protect and preserve the quality of Township life, to reduce the incidence of unlawful activity and to promote the health, safety, moral and general welfare of the citizens of the Township. The provisions of this subsection have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is neither the intent nor effect of

this section to restrict or deny access by adults to adult-oriented materials protected by the First Amendment of the United States Constitution or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor the effect of this section to condone or legitimize the distribution of obscene material.

(b) Definitions:

[1] For purposes of this subsection, unless the context clearly requires a different meaning, the words, terms and phrases set forth herein shall have the meanings given them in this section:

ADULT ARCADE -- Any place to which the public is permitted or invited wherein coin-operated or club-operated or electronically, electrically or mechanically controlled still or motion-picture or video machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas, as defined herein.

ADULT BOOKSTORE -- An establishment having as a substantial significant or preponderant portion of its stock in matter which is distinguished or characterized by its emphasis on content depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein.

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

ADULT BUSINESS OPERATOR -- A person who supervises, manages, inspects, directs, organizes, controls or in any other way

is responsible for or in charge of the premises of an adult business or the conduct or activities occurring on the premises thereof.

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

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

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

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

ADULT HOTEL/MOTEL -- A hotel or motel or similar business establishment offering public accommodations for any form of consideration, which provides patrons with closed-circuit television transmissions, films, computer-generated images, motion pictures, videocassettes, slides or other photographic reproductions thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, as hereinafter defined, and rents, leases or lets any room for less than a six (6) hour period or rents, leases or lets any single room more than twice in a twenty four (24) hour period.

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

ADULT MOTION-PICTURE THEATER -- A building or portion thereof or area, open or closed, used for the presentation on more than one-third ($\frac{1}{3}$) of the days in a calendar year during which motion-picture films, videocassettes, cable television or any other such visual media are displayed or exhibited, of films, videocassettes, cable television or other visual media which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as hereinafter defined, for observation by patrons or customers. "Adult motion-picture theater" does not include any room or suite of rooms rented for human occupancy in a hotel or motel which is equipped or furnished with a videocassette-playing machine or cable television, unless such hotel or motel is determined to be an adult hotel/motel as defined herein.

ADULT VISUAL MATERIALS OR VIDEO STORE -- A building or portion thereof used by an establishment having not less than thirty percent (30%) of its actual display area devoted to or its stock-in-trade for sale or rental to the public any segment thereof consisting of books, magazines, other publications, films, videocassettes or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined hereinafter.

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

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

CODE ENFORCEMENT OFFICER -- The person responsible for ordinance enforcement functions within the jurisdiction of the Township, including, but not limited to, responsibility for administration and enforcement of the provisions of this subsection.

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

EMPLOYEE -- Every owner, partner, manager, supervisor, performer or other worker, whether paid or not, who renders services of any nature in the conduct of an adult business establishment. For purposes of this subsection, it shall be a rebuttable presumption that every person who renders services of any nature in the conduct of an adult business is an employee of the adult business.

ENTERTAINER -- Any person who is an employee or independent contractor of the adult business or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

OPERATE AN ADULT BUSINESS -- The supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an adult business or activities within an adult business.

PERMITTEE -- The person to whom an adult business permit is issued.

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

REGULARLY FEATURES -- With respect to an adult business, means a regular, substantial course of conduct. The presentation, in or at any building or portion thereof, of live performances which are distinguished or characterized by an emphasis upon the display of specified sexual activities or specified anatomical areas, as hereinafter defined, on two (2) or more occasions within a thirty (30) day period; three (3) or more occasions within a sixty (60) day period; or four (4) or more occasions within a one hundred eighty (180) day period shall, to the extent permitted by law, be deemed to be a regular and substantial course of conduct.

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

SPECIFIED ANATOMICAL AREAS -- Any of the following:

- [a] Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola;
- [b] Human male genitals in a discernibly turgid state, even if completely opaquely covered;
- [c] Any device, costume or covering that simulates any of the body parts included in subsections [a] and [b] above.

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

- [a] Human genitals in a state of sexual stimulation or arousal;
- [b] Sexual acts, actual or simulated, including sexual intercourse, oral copulation or sodomy;

[c] Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;

[d] Masturbation, actual or simulated; or

[e] Excretory functions as part of or in connection with any of the other activities described in subsections [a] through [d] above.

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

(c) Excluded activities. This subsection does not apply to any of the following activities:

[1] Any activity conducted or sponsored by a school district or other public agency, so long as such activity is being conducted as part of and within the scope of an authorized and regular part of the curriculum or is part of a training or instructional program being conducted by a public agency.

[2] Any activity conducted by a person pursuant to any license issued by the State of Pennsylvania or any agency thereof charged with the responsibility of licensing, prescribing standards for and supervising such activity or profession, in and to the extent that such activity is conducted within the course and scope of the exercise of the privileges authorized by such license or the duties of such agency.

(d) Adult business permit required.

[1] It shall be unlawful for any person to engage in, conduct or carry a permit to be engaged in, conducted or carried on, in or upon any premises within the Township the operation of an adult business unless the person first obtains and continues to maintain in full force and effect a permit issued by the Code Enforcement Officer as required by this subsection.

[2] A permit shall be issued to any applicant who has complied with all of the following requirements:

[a] The applicant has paid the adult business application fee required pursuant to Subsection A(31)(d)[3], below.

[b] The applicant has not made a material misstatement in the application for a permit.

- [c] The establishment, including the building and lot or portion thereof where the adult business is or is proposed to be situated and the physical facilities and maintenance related thereto, complies with all building, fire, electrical, plumbing, health and zoning requirements of the Code of the Township of Middletown, all the requirements of this chapter, and all state and federal requirements of a similar nature which are customarily enforced by the Township, as determined pursuant to one or more inspections conducted by investigating officials of the Township.
 - [3] Each application for a permit under this subsection shall be accompanied by a nonrefundable fee in an amount established by resolution of the Township Board of Supervisors. The application fee shall be used to defray, in part, administrative costs incurred in processing the application and is not made in lieu of any other fees or taxes required under this chapter or the Code of the Township of Middletown.
- (e) Application for adult business permit.
- [1] Any person who proposes to operate, maintain or conduct an adult business in the Township shall first submit to the Code Enforcement Officer a complete application for an adult business permit on a form provided by the Township containing the information set forth in this section and payment of the required Township nonrefundable application fee as established by resolution and amended by the Township Board of Supervisors from time to time. An application that is not accompanied by the required application fee shall not be deemed a complete application.
 - [2] If the applicant is an individual, the individual shall state his/her complete name, including any aliases, and address and shall submit satisfactory written proof that he or she is at least eighteen (18) years of age.
 - [3] If the applicant is a partnership, the applicant shall state the complete name and address of the partner signing the application, as well as the names of all partners, whether the partnership is general or limited, and shall attach a copy of the partnership agreement, if any.
 - [4] If the applicant is a corporation, the corporation shall provide its name, the date of its incorporation, evidence that the corporation is in good standing under the laws of Pennsylvania, the names and capacity of all officers and directors, the name of the registered corporate agent, and the address of the registered office for service of process.

- [5] If the applicant is an individual, he or she shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with a ten-percent or greater interest in the business entity shall sign the application.
- [6] If the applicant intends to operate the adult business under a name other than that of the applicant, the applicant shall provide the fictitious name of the adult business and show proof of registration of the fictitious name.
- [7] Each application shall contain:
 - [a] A narrative description of the proposed or existing adult business for which the permit is requested, which shall include hours of operation, number of employees and a description of the title and/or position of each employee.
 - [b] A sketch or diagram showing the interior floor plan and configuration of the premises, depicting all interior rooms, including rest rooms, office space, storage areas and public areas and dimensions. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
 - [c] A site plan showing the lot or property on which the adult business is or will be located, the location of the building or portion thereof in which the adult business is or will be located, the number of available parking spaces, the location and type of available and proposed lighting, landscaping, trash enclosures and all means of ingress and egress to and from the property. The site plan need not be professionally prepared but shall be drawn to scale with marked dimensions to an accuracy of plus or minus one (1) foot.
 - [d] The full name, address and telephone number of the property owner and/or property management company if different from the applicant; a copy of the lease agreement in effect at the time of the application, if applicable; and a copy of any other agreement, easement, condition, covenant, restriction or other such documents that contain evidence affecting the use or operation of the lot, property, premises or structures which will be subject to the permit for which the application has been submitted.

- [8] Each application shall also contain the following information about the person signing the application:
 - [a] Full name, including any aliases, current residential address, telephone number, date of birth, social security number and driver's license number.
 - [b] The previous address of each such person for a period of three (3) years immediately prior to the date of application and the dates of residence at each such address.
 - [c] Written proof that the person signing the application is at least eighteen (18) years of age.
 - [d] The height, weight, color of eyes and hair of the person signing the application.
 - [e] Business, occupation or employment history of the person signing the application for three years immediately preceding the date of the application.
 - [f] Two (2) recent passport-style color photographs of such person.
 - [9] Such other information as may be deemed necessary by the Code Enforcement Officer to secure the foregoing information.
 - [10] An adult business establishment lawfully existing and operating on the effective date of this subsection shall apply for a permit within ninety (90) days therefrom and shall be allowed to continue operating during the pendency of the application; provided, however, that such adult business is otherwise in compliance with applicable provisions of this chapter and the Code of the Township of Middletown.
 - [11] Upon application of any adult business establishment not lawfully existing and operating on the effective date of this subsection, a temporary permit not to exceed thirty (30) days shall be issued immediately upon receipt of a complete permit application. The said temporary permit shall expire automatically at the end of the thirty-day period unless extended by the Code Enforcement Officer.
- (f) Application processing.
- [1] Upon receipt of a complete application and payment of the application and permit fees, the application shall be immediately stamped as received by the Code Enforcement Officer.

- [2] Within thirty (30) days of receipt of a complete application, the Code Enforcement Officer or his designated official shall conduct and complete an investigation of the information contained in the application to determine whether the applicant shall be issued an adult business permit in accordance with the provisions of this subsection and notify the applicant as follows:
 - [a] The Code Enforcement Officer shall write or stamp "granted" or "denied" on the application and sign and date such notation.
 - [b] If the application is denied, the Code Enforcement Officer shall provide a written statement of the reasons for denial.
 - [c] If the application is granted, the Code Enforcement Officer shall issue an adult business permit.
 - [d] The application, as granted or denied, and the permit, if any, shall be sent by United States mail, first class postage prepaid, addressed to the applicant to the address stated in the application.
- [3] The Code Enforcement Officer shall grant the application and issue a business permit upon finding that the proposed business meets the locational and zoning requirements of the Township and that the applicant has met all of the development and performance standards and requirements of this subsection.
- [4] Upon notification to the applicant that the application has been granted by the Code Enforcement Officer, or if the Code Enforcement Officer fails to either grant or deny the application within thirty (30) days of receipt of a complete application, the applicant may begin operating as an adult business pursuant to the terms and conditions of the permit. The permittee shall post the permit conspicuously in the premises of the adult business establishment
- [5] Each adult business permit shall expire one (1) year from the date of issuance and may be renewed only by filing with the Code Enforcement Officer a written request for renewal accompanied by the annual permit fee and a copy of the permit to be renewed. The request for renewal shall be made at least thirty (30) days before the expiration of the permit. When made less than thirty (30) days before the expiration date, the expiration of the permit will not be stayed. Each application for renewal shall be acted upon as provided herein for action upon application for a permit.

(g) Denial of permit.

- [1] Within thirty (30) days of receipt of a complete application, the Code Enforcement Officer shall deny an application for a permit if he or she makes any of the following findings:
 - [a] The lot or property on which the adult business is or is proposed to be located does not comply with the locational or zoning requirements of the Middletown Township Zoning Ordinance (Chapter 500) of the Code of the Township of Middletown].
 - [b] The establishment, including the building or portion thereof, where the adult business is or is proposed to be situated and the physical facilities and maintenance related thereto fails to comply with all applicable building, fire, electrical, plumbing and health requirements of the Code of the Township of Middletown, all applicable state and federal requirements of a similar nature which are customarily enforced by the Township and all applicable provisions of this subsection.
 - [c] The applicant, his or her employee, agent, partner, director, officer, shareholder or manager has knowingly made any false, misleading or fraudulent statement of a material fact in the application for an adult business permit.
 - [d] The applicant or any of the following persons has had a license or permit issued pursuant to this section revoked within one year of the date of the application:
 - [i] If the applicant is a corporation, any officer or director of the corporation or any stockholder holding more than five percent (5%) of the corporate stock of the applicant.
 - [ii] If the applicant is a partnership, any general or limited partner.
 - [iii] Any person currently employed by or in the adult business establishment.
- [2] Transmittal of decision. The decision to deny the application shall be given to the applicant, in writing, setting forth specifically the ground or grounds upon which the decision is based, the pertinent section of this chapter pursuant to which the permit is denied and a brief statement of the factual matters in support of the denial. The decision shall be mailed by United States mail, postage prepaid, addressed to the applicant at the last known address of the applicant, or it may be personally delivered to the applicant.

(h) Appeal of denial.

- [1] Appeal to the Board of Supervisors. Within ten (10) days from the deposit of the denial in the mail as set forth in this subsection, or from receipt of the denial by the applicant by personal delivery, the applicant may appeal, in writing, to the Board of Supervisors, setting forth with particularity the ground or grounds for such appeal.
- [2] Hearing on appeal. A panel of the Board of Supervisors, consisting of at least three (3) members thereof, shall set a time and place for a hearing on the appeal not less than ten (10) days nor more than thirty (30) days from the date the appeal is received by the Board of Supervisors and shall conduct a hearing at the time and place so specified.
- [3] Disposition of appeal. Following the hearing on the appeal, the Board of Supervisors may refer the matter to the Code Enforcement Officer to conduct a new investigation and to issue a new decision; may affirm the denial of the application; or may approve the application. The decision of the Board of Supervisors shall be final. Notice of the decision of the Board of Supervisors shall be mailed to the applicant within ten (10) days of the date of the hearing.

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

(j) Grounds for suspension or revocation of permit.

- [1] A permit issued pursuant to this section may be subject to suspension or revocation or other appropriate disciplinary action for any of the following grounds arising from the acts of omissions of the permittee, or employee, agent, partner, director, stockholder or manager of an adult business:
 - [a] The permittee has knowingly made any false, misleading or fraudulent statement of a material fact in the application for permit or in any report or reports required to be filed with the Township.

- [b] The adult business, including the building and lot or portion thereof on which the establishment is situated or is proposed to be situated and the physical facilities and maintenance related thereto, fails to comply with all applicable building, fire, electrical, plumbing, health and zoning requirements set forth in this chapter or in the Code of the Township of Middletown, all applicable state and federal requirements of a similar nature which are customarily enforced by the Township and all provisions of this section.
- [c] The permittee, employee, agent, partner, director, shareholder or manager of the adult business has knowingly allowed or permitted and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult business establishment:
 - [i] Any act of unlawful sexual intercourse, sodomy, oral copulation or masturbation.
 - [ii] The use of the establishment as a place where unlawful solicitation of sexual intercourse, sodomy, oral copulation or masturbation openly occurs.
 - [iii] The occurrence of acts of lewdness, assignation or prostitution.
 - [iv] Any act constituting a violation of 18 Pa.C.S.A. § 5903, relating to the distribution of obscene and other sexual materials and performances.
 - [v] Any act constituting a violation of provisions relating to obscene matter or distribution of harmful matter to minors.
 - [vi] Any conduct constituting a criminal offense of which an essential element consists of the use of force or violence.
 - [vii] Any act constituting a felony involving the sale, use, possession, or possession for sale of any controlled substance.
- [d] Failure to abide by any disciplinary action previously imposed by the appropriate Township officer.
- [e] Failure to comply with one or more of the facilities and operations requirements set forth in Subsection A(31)(n) hereof.
- [f] The existence of the condition of the premises as hazardous or unsafe for human occupancy.

- (k) Notice of permit violations. Upon making a determination that grounds for suspension or revocation of a permit exist(s), the Code Enforcement Officer shall furnish written notice of the proposed suspension or revocation to the permittee, setting forth the time and place for a hearing on the proposed suspension or revocation and the ground or grounds upon which the proposed suspension or revocation is based, the pertinent section of this chapter, and a brief statement of the factual matters in support thereof. The notice shall be mailed by United States first class mail, postage prepaid, addressed to the last known address of the permittee and/or shall be delivered to the permittee personally. Such notice shall be mailed and/or delivered at least ten (10) days prior to the hearing date set forth in the notice.
- (l) No refund of fee. No refund or rebate of a permit fee shall be permitted by reason of discontinuance by the permittee of an activity for which a permit is required pursuant to this subsection or by reason of suspension or revocation of a permit.
- (m) Return of permit. In the event that a permit is canceled, suspended, revoked or invalidated for any reason, the permit shall be forwarded to the Code Enforcement Officer not later than the end of the third business day after notification of such cancellation, suspension, revocation or invalidation.
- (n) Facilities and operation requirements. All adult business establishments subject to the provisions of this section shall comply with the following facilities and operations requirements:
- [1] Each adult business establishment shall comply with all building, fire, electrical, plumbing and health requirements of the Code of the Township of Middletown, all requirements of this chapter, all state and federal requirements of a similar nature which are customarily enforced by the Township, and all provisions of this subsection.
- [2] No adult business shall be operated in any manner that permits the observation of any material or activities depicting, describing or relating to specified sexual activities or specified anatomical areas, as herein defined, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.

- [3] All off-street parking areas and premises entries of the adult business shall be illuminated from dusk to closing hours of operation with a lighting system providing an average maintained horizontal illumination of one (1) footcandle of lighting on the parking surface and/or walkways. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways servicing the adult business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.
- [4] The premises within which the adult business is located shall provide sufficient sound-absorbing insulation so that noise generated inside the premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate unit within the same building.
- [5] With the exception of adult cabarets, each adult business subject to this subsection shall close and remain closed from midnight to 9:00 a.m. the following day.
- [6] The building entrance to an adult business shall be clearly and legibly posted with a notice indicating that persons under eighteen (18) years of age are precluded from entering the premises. The notice shall be constructed and posted to the satisfaction of the Director of Public Safety or designee. No person under the age of eighteen (18) years shall be permitted within the premises at any time.
- [7] All indoor areas of the adult business shall be physically arranged in such a manner that the entire interior portion of the booths, rooms, cubicles or stalls wherein an adult entertainment enterprise is provided shall be clearly visible from the common areas of the premises, excluding rest rooms. Rest rooms may not contain video reproduction equipment.
- [8] Visibility into booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction whatsoever.
- [9] No adult business shall contain partitions between subdivisions of a room or portions or parts of a building, structure or premises with an aperture which is designed or constructed to facilitate sexual activity between persons on either side of the partitions.

- [10] No viewing room may be occupied by more than one person at any one time.
- [11] Customers, patrons or visitors shall not be allowed to stand idly by or in the vicinity of any such video booths or from remaining in the common area of an adult business, other than the rest rooms, who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.
- [12] The floors, seats, walls and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booth shall be evidence of improper maintenance and inadequate sanitary controls; repeated instances of such conditions may justify suspension or revocation of the permittee's permit to conduct the adult business.
- [13] All areas of the premises of an adult business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level. It shall be the duty of the permittee and permittee's agents to ensure that the illumination required by this subsection is maintained at all times that a patron is present on the premises.
- [14] The adult business shall provide and maintain separate rest room facilities for male patrons and employees and female patrons and employees. Male patrons and employees shall be prohibited from using the rest room(s) for females and female patrons and employees shall be prohibited from using the rest room(s) for males, except to carry out duties of repair, maintenance and cleaning of the rest room facilities. The rest rooms shall be free from any adult material. Rest rooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this subsection shall not apply to an adult business which deals exclusively with sale or rental of adult material which is not used or consumed on the premises, such as an adult bookstore or adult video store and which does not provide rest room facilities to patrons or the general public.

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

- [a] Adult businesses featuring live entertainment shall provide at least one (1) security guard at all times while the adult business is open. If the occupancy limit of the premises is greater than thirty five (35) persons, an additional security guard shall be on duty.
 - [b] Security guard(s) for other adult businesses may be required if it is determined by the Code Enforcement Officer that their presence is necessary in order to prevent any of the conduct listed in Subsection A(31)(j) hereof from occurring on the premises.
 - [c] Security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of these regulations. Security guard(s) shall be uniformed in such a manner so as to be readily identifiable as security guards by the public and shall be duly licensed as security guards, as required by the applicable provisions of state law. No security guard required pursuant to this subsection shall act as a door person, ticket taker, admitting person or sole occupant of the manager's station while acting as a security guard.
- [17] The requirements of this subsection shall be deemed conditions of adult business regulatory permit approvals and failure to comply with every such requirement shall be grounds for suspension or revocation of the permit issued pursuant to these regulations.
- (o) Inspection by public officials.
- [1] The applicant shall authorize and allow entry by public officials of the Township into the premises wherein the applicant operates or proposes to operate an adult business establishment for the purpose of conducting one (1) or more inspections to determine whether the establishment complies with all applicable building, fire, electrical, plumbing, health and zoning requirements of the Code of the Township of Middletown, all state and federal requirements of a similar nature which are customarily enforced by the Township, and the provisions of this chapter.
 - [2] Any and all investigating officials of the Township shall have the right to enter adult business establishments, from time to time, during regular business hours to make reasonable inspections to observe and enforce compliance with the building, fire, plumbing and health regulations of the Code of the Township of Middletown or the provisions of this chapter. A warrant shall be obtained whenever required by law.

- [3] A person who operates an adult business, or his or her agent or employee, is in violation of the provisions of this subsection if he or she refuses to permit a lawful inspection of the premises at any time it is occupied or open for business.
- (p) Business name. It shall be unlawful to operate an adult business establishment under any name or conduct business under any designation not specified in the permit.
- (q) Business location change. Before changing the location of an adult business establishment, the permittee shall make an application to the Code Enforcement Officer pursuant to Subsection A(31)(e) hereof.
- (r) Transfer of interest. No permit issued pursuant to the provisions of this section shall be assigned or transferred in any manner, nor shall any person other than those identified in such permit engage in the enterprise for which the permit is issued. As used herein, "transfer" shall include, but shall not be limited to, any modification of a business entity operating an adult business or otherwise required to be disclosed pursuant to Subsection A(31)(e) hereof, including transfer of more than ten percent (10%) of the stock of any corporation.
- (s) Display of permits. The owner or operator of an adult business establishment shall display the permit in an open and conspicuous place on the premises. Passport-size photographs of the permit shall be affixed to the permit on display pursuant to this subsection.
- (t) Application to existing establishments. Each operator of an establishment subject to the provisions of this subsection and legally doing business on the effective date of this chapter shall apply for a permit not later than ninety (90) days therefrom and shall comply with all requirements which are prerequisites for issuance of a permit before such permit will issue.
- (u) Regulations nonexclusive. The provisions of this subsection regulating adult businesses are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses adopted by the Township.

§ 500-1903. General requirements.

- A. No lot, parcel or tract of land shall be used and no building or structure shall be erected, altered or remodeled for any of the following uses: the manufacture of heavy chemicals, including, but not limited to, acids or other corrosives, ammonia, caustic soda, and sulfuric detergents, fertilizers; the manufacture or

production of metals and alloys in ingot form; the manufacture or production of cement, plaster, cork and other constituents, matches, paints, oils, varnishes, lacquer, basic raw polymer manufacture of rubber; the curing and tanning of hides; and, except as provided herein, the storage of fuels or explosive materials in bulk.

- B. No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically licensed by the Commonwealth of Pennsylvania or are used as customarily incidental to the operation of a principal use in such quantities and in a manner conforming with the applicable performance standards set forth in Article XXV of this chapter. Such materials shall include, but shall not be limited to, all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives, including but not limited to TNT, RDX, HMX, PETN and picric acid; propellants and components thereof, including, but not limited to, nitrocellulose, black powder, boron hydrides, hydrazone and its derivatives; pyrotechnics and fireworks, including, but not limited to, magnesium powder, potassium chlorate and potassium nitrate; blasting explosives, including, but not limited to, acetylides, tetroles, perchloric acid, perchlorates, chlorates, hydrogen peroxide in concentrations greater than thirty five percent (35%); and nuclear fuels, fissionable materials and products, and reactor elements, including, but not limited to, uranium 235 and plutonium 239.
- C. All activities involving the manufacturing, fabrication, assembly, disassembly, repairing, storing, cleaning, servicing and testing of materials, goods or products shall be operated in such a manner as to comply with applicable performance standards in accordance with Article XXV of this chapter and other pertinent ordinances governing noise, vibration, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, glare or heat; and no use already established on the effective date of this chapter shall be so altered or modified as to conflict with or further conflict with such applicable performance standards.

§ 500-1904. Area, dimensional and design requirements.

- A. Unless a greater area or dimensional regulation is stated in Section 1902, Use regulations, for a specific use, all uses in the M-1 District, except industrial parks, shall meet the following requirements:
 - (1) Area and dimensional requirements:
 - (a) Minimum lot area: eighty thousand (80,000) square feet.
 - (b) Minimum lot width: two hundred (200) feet.
 - (c) Maximum building coverage: thirty percent (30%).

- (d) Maximum impervious surface ratio: sixty percent (60%).
- (e) Maximum building height: thirty five (35) feet.
- (f) Minimum yards:
 - [1] Front: seventy five (75) feet.
 - [2] Side: fifty (50) feet.
 - [3] Rear: seventy five (75) feet.
- (2) Buffer yard. Along any adjacent land zoned for or in residential or agricultural use, a buffer yard shall be provided which shall be not less than one hundred fifty feet (150') in width measured from the property line or from the street line. The buffer yard shall be in accordance with the provisions of § 500-2605.
- (3) The required front, side and rear yard setbacks shall be planted with vegetation (i.e., grass, trees, shrubs, etc.) and shall not be used for paving or internal driveways, except for driveways that give access to a property from the street.
- (4) Outside storage of materials, goods or refuse may be permitted as an accessory use subject to the provisions of § 500-2409 of this chapter. In addition, such areas shall be buffered by an eight foot (8') high stockade-type fence.
- (5) All parking areas, loading facilities and outside storage areas shall be located to the rear or side of buildings. However, parking shall be permitted in the front of buildings when a buffer yard is required in this area.
- (6) A tower or chimney shall be set back from all property lines a distance of at least one and one-half (1.5) times the height of the structure.
- (7) All uses in this district shall be served by public water and public sewer facilities.
- (8) Parking. Off-street parking shall be provided in accordance with the provisions of Article XXVII.
- (9) A traffic and transportation impact study prepared in accordance with the requirements for said study set forth in the Middletown Township Subdivision and Land Development Ordinance (Chapter 440) may be required, depending upon the applicability criteria.

(10) For sites containing ten (10) or more acres of land, the applicant for a proposed subdivision or land development shall show the tract of land as a whole, including planned or potential uses for each piece of property and the overall design and improvements for the site. When two or more primary uses are proposed, the requirements for industrial parks in Subsection B below shall be met.

B. Industrial parks shall meet the following requirements:

- (1) Area and dimensional requirements:
 - (a) Minimum site area: ten (10) acres.
 - (b) Minimum frontage at street line-site: two hundred (200) feet.
- (2) Each use in an industrial park shall meet the area, dimensional and design requirements of § 500-1904A(1) through (10) above.
- (3) Phasing of development and internal site improvements is permissible in accordance with the requirements of the Middletown Township Subdivision and Land Development Ordinance (Chapter 440); however, all off-site improvements shall be included and completed within the first phase of development.
- (4) All uses within the industrial park shall take access from an internal roadway. Access for the park shall be from arterial or collector highways.
- (5) Interior roadways shall have street trees in accordance with the requirements of the Middletown Township Subdivision and Land Development Ordinance (Chapter 440).
- (6) All commonly owned elements, including streets, water and sewer lines, basins, etc., shall be owned and maintained in accordance with the Pennsylvania Uniform Condominium Act and shall be dedicated to the Township only upon the request of the Township.
- (7) A traffic and transportation impact study prepared in accordance with the requirements for said study set forth in the Middletown Township Subdivision and Land Ordinance (Chapter 440) shall be required for the development of an industrial park.

ARTICLE XX, OC Office Campus District

§ 500-2001. Purpose and intent.

The purpose and intent of the OC Office Campus District is to provide reasonable standards for the orderly development of an office campus and such uses as are related or accessory thereto, in those parts of the Township which have access to an arterial street.

§ 500-2002. Definition of office campus.

An office campus is a planned development designed as a complex of related structures, circulation patterns, utilities, landscaping and buffering to create an integrated and coordinated whole.

§ 500-2003. Use regulations.

[Amended 10-2-2001 by Ord. No. 01-13]

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Professional, business, medical and government offices.
- B. Retail sales and commercial services.
- C. Personal service shops.
- D. Eating places, including restaurants, cafes and taverns which serve for the purpose of on-premises consumption only.
- E. Financial institutions.
- F. (Reserved).
- G. Accessory use on the same lot with and customarily incidental to any of the above permitted uses which are not detrimental to the neighborhood. Accessory uses may include:
 - (1) Storage within a completely enclosed building in conjunction with a permitted use.
 - (2) A cafeteria or other service facility located within the building and operated for the exclusive use of occupants of the building.
 - (3) A recreational area for occupants.

- (4) Living quarters for watchmen, caretakers or similar employees.
- H. Accessory outside storage or display of materials, goods or refuse shall not be permitted within an office campus.
- I. Signs, when erected and maintained in accordance with Article XXVIII.
- J. Forestry/timber harvesting, pursuant to the regulations set forth in § 500-402M of this chapter.

§ 500-2004. Area, dimensional and design requirements.

Unless a greater area or dimensional regulation is stated in § 500-2003, Use regulations, for a specific use, all uses in the OC District shall meet the following requirements:

- A. At least 70% of the total floor area of the office campus shall be utilized for offices.
- B. Area and dimensional requirements.
 - (1) Minimum site area: ten (10) acres.
 - (2) Minimum frontage at street lines-site: one hundred fifty (150) feet.
 - (3) Minimum building setback-site:
 - (a) Street lines: one hundred (100) feet.
 - (b) Other property lines: seventy five (75) feet.
 - (4) Maximum floor area ratio: twenty eight percent (28%).
 - (5) Maximum impervious surface ratio: fifty five percent (55%).
 - (6) Minimum building spacing: for adjacent buildings, a spacing equal to the taller of the two (2) buildings but in no case less than twenty (20) feet.
 - (7) Minimum building setback, internal streets: fifty (50) feet.
 - (8) Maximum building height: fifty (50) feet.
- C. Buffer yard. Along any adjacent land zoned for or in residential or agricultural use, a buffer yard shall be provided which shall not be less than seventy five feet (75') in width measured from the site property line or site street line. The buffer yard shall be in accordance with the provisions of § 500-2605 of this chapter.

- D. Parking. One (1) off-street parking space for each two hundred fifty (250) square feet of gross floor area. Parking areas must be adequately screened when situated within fifty feet (50') of land zoned for or in residential, agricultural or recreational use. All other parking, loading, access facilities and service areas shall comply with the provisions of Article XXVII.
- E. All buildings shall be arranged in a group or groups. Individual uses may be located in detached and attached structures.
- F. Adequate areas shall be provided for loading and unloading of delivery trucks and other vehicles; servicing of offices and shops by refuse collection, fuel, fire and other service vehicles; automobile accessways and pedestrian walks.
- G. All uses within an office campus shall take access from an internal roadway. Access for the campus shall be from an arterial roadway except for office campuses located on Swift Road between Woodbourne Road and Banks Road, where said access shall be permitted from Swift Road.
- H. Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
- I. All commonly owned elements shall be owned and maintained in accordance with the Pennsylvania Uniform Condominium Act.
- J. A traffic and transportation impact study prepared in accordance with the requirements for said study set forth in the Middletown Township Subdivision Regulations (Chapter 440) shall be required for the development of an office campus.

**ARTICLE XXI, AQC Age-Qualified Community District [Added 11-30-1999
by Ord. No. 99-19]**

§ 500-2101. Purpose and intent.

[Amended 11-14-2000 by Ord. No. 00-13]

The purpose of this district is to allow the creation of a planned community for persons fifty five (55) years of age and over which provides for a variety of residential housing types as well as indoor and outdoor recreational facilities.

§ 500-2102. Use regulations.

[Amended 11-14-2000 by Ord. No. 00-13]

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Single-family detached dwelling. A single detached dwelling unit on an individual lot with private yards on all sides of the house.
- B. Semidetached dwelling. A unit having only one (1) dwelling unit from ground to roof and only one (1) wall in common with another dwelling unit.
- C. Multiplex dwelling. An attached dwelling unit which may be arranged in a variety of configurations: side by side, back to back or vertically.
- D. Municipal uses. Township administration officers, police station and senior citizen center.
- E. Accessory uses consisting of:
 - (1) Uses customarily incidental to any permitted use, subject to the applicable provisions of this article and Article XXIV. [Amended 5-20-2008 by Ord. No. 08-05]
 - (2) Outdoor recreational facilities, including but not limited to tennis courts, swimming pools, walking paths, golf putting/chipping area and shuffleboard courts.
 - (3) Clubhouse consisting of auditorium, activity rooms, kitchen areas, craft rooms, fitness, lounges or similar facilities for members of the community and invited guests.
 - (4) Guardhouse and/or entrance gates.
 - (5) Administrative offices used for the management of the community.

§ 500-2103. Area, dimensional and design requirements.

[Amended 11-14-2000 by Ord. No. 00-13; 8-16-2000 by Ord. No. 00-09; 10-23-2001 by Ord. No. 01-16]

All uses in the AQC District shall meet the following requirements:

- A. Minimum site area: one hundred (100) gross acres.
- B. Maximum density: three (3) dwelling units per gross acre. The provisions of § 500-2603E of this chapter shall not be applicable in this district.
- C. Maximum building coverage: twenty percent (20%).
- D. Maximum impervious coverage: forty percent (40%).
- E. Unit mix requirements. On sites over one hundred twenty five (125) acres, at least three (3) housing types shall be provided within the proposed development, with no one housing type comprising less than fifteen percent (15%) of the total number of dwelling units; while on sites under one hundred twenty five (125) acres, only one housing type needs to be provided.
- F. Minimum open space. The minimum open space ratio shall be thirty five percent (35%) of gross site area, before deduction of any and all lands to be dedicated to the Township.
- G. Minimum building setback from tract boundary: from off-site street cartway, seventy five feet (75'); from the property line, fifty feet (50'). These restrictions shall not apply to any property owned by the Township.
- H. Maximum building height: three (3) stories or thirty five feet (35'), whichever is less, except for property for Township use.
- I. Buffer yard. A twentyfive-foot (25') buffer yard shall be provided along all property lines of the tract. The buffer yard shall meet the requirements of § 500-2605 of this chapter.
- J. Off-street parking. There shall be 1 1/4 off-street parking spaces provided for each dwelling unit.

§ 500-2104. Individual lot area and bulk requirements.

[Amended 11-14-2000 by Ord. No. 00-13]

Use			
Requirement	Single-Family Detached	Single-Family Semidetached	Multiplex
Minimum lot area	6,000 square feet	4,000 square feet	N/A
Minimum lot width	60 feet	40 feet	N/A
Minimum front yard from edge of cartway	1. With sidewalks, 30 feet 2. Without sidewalks, 25 feet	1. With sidewalks, 30 feet 2. Without sidewalks, 25 feet	30 feet, front entry garage 20 feet, side- or rear-entry garage 20 feet, parking lots other than driveway cover
Minimum side yard	10-foot minimum	10 feet on 1 side	N/A
Minimum rear yard	15 feet	15 feet	N/A
Aggregate front and rear yard	45 feet	45 feet	N/A
Building coverage	35%	35%	N/A
Floor area ratio	N/A	N/A	N/A
Impervious coverage per lot	45%	55%	N/A
Minimum distance between buildings	20 feet	20 feet	24 feet side to side
Maximum units per structure	N/A	2	5

§ 500-2105. General requirements.

[Amended 11-14-2000 by Ord. No. 00-13]

- A. Utilities. All units shall be served by public water and public sewer. All utilities including water and sewer shall be in accordance with the provisions of the Subdivision and Land Development Ordinance (Chapter 440). [Amended 5-20-2008 by Ord. No. 08-05]

- B. Common area and facilities. Designated open space shall be restricted from further subdivision development by the declaration and duly recorded in the Office of the Recorder of Deeds of Bucks County. Required open space may be owned by a homeowners' or condominium association, the Township or may remain in private ownership.
- C. Roads. Roads within the proposed development shall be gated and private and shall be owned and maintained by a homeowners' or condominium association. All roads shall be constructed to Township standards for public residential streets, except that all such streets within the proposed development shall have a minimum cartway width of twenty four feet (24'). The Board of Supervisors may impose parking restrictions on one or both sides of such streets. A utility easement area shall be provided along all streets to provide suitable area for the location of utility lines.
- D. A pedestrian circulation system shall be provided as an integral part of the proposed development. The pedestrian circulation system shall include any one or a combination of sidewalks, pathways and trails to provide reasonable access to all neighborhoods, recreation, shopping or other destination within and adjacent to the proposed development.
- E. Unit occupancy. At least one (1) occupant of each dwelling unit shall be fifty five (55) years of age or older. No person under the age of nineteen (19) shall occupy a dwelling for more than two (2) weeks in a calendar year.
- F. Declaration of age qualification. Subsequent to the approval of the plan for the first phase of the development, but prior to the recording of the plan, developers shall each record a declaration against their respective portions of the tract, in a form acceptable to the Township Solicitor, binding all properties and owners to the restriction which shall require one (1) occupant of an individual dwelling unit within the proposed development to be fifty five (55) or older, and which shall require that any residents of an individual dwelling unit within the proposed development under the age of nineteen (19) years old shall not reside for more than two (2) weeks in any calendar year.
- G. The Township Police Department shall be given the right to enforce the provisions of the Pennsylvania Motor Vehicle Code on streets throughout the development.
- H. No single-wide or double-wide mobile homes shall be permitted as part of this development.
- I. All units must have garages for the parking of at least one (1) vehicle, which cannot be used for storage or converted to additional living space. This restriction to be included in the declaration of covenants, easements and restrictions.

ARTICLE XXII, Overlay Zoning Districts

§ 500-2201. Buehl Airport and Northeast Philadelphia Airport Zoning Districts.

A. Purpose and intent.

- (1) This section, which may be cited as the "Buehl Airport and Northeast Philadelphia Airport Zoning Districts," is adopted pursuant to the authority conferred by the Airport Zoning Act of 1984, P.L. 164, 74 Pa.C.S.A. § 5911 et seq., as amended, and Act 247, the Pennsylvania Municipalities Planning Code of 1968, P.L. 805, 53 P.S. § 10101 et seq., as amended. It is hereby found that an obstruction has the potential for endangering the lives and property of users of Buehl Airport and Northeast Philadelphia Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Buehl Airport and Northeast Philadelphia Airport; and that an obstruction may reduce the size and areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of Buehl Airport and Northeast Philadelphia Airport and any public investment therein. Accordingly, it is declared that:
 - (a) The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Buehl Airport and Northeast Philadelphia Airport.
 - (b) It is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented.
 - (c) The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- (2) It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or moving and lighting of obstructions are public purposes for which a municipality may raise and expend public funds and acquire land or interests in lands.

B. Definitions. As used in this section, unless the context otherwise requires:

AIRPORT -- Buehl Airport in Middletown Township, Bucks County, Commonwealth of Pennsylvania, and Northeast Philadelphia Airport in the City of Philadelphia, Commonwealth of Pennsylvania.

AIRPORT ELEVATION -- The highest point of the airport's usable landing area measured in feet above sea level, which is one hundred sixty three feet (163') above mean sea level of Buehl Airport and one hundred twenty one feet (121') above mean sea level for Northeast Philadelphia Airport.

AIRPORT HAZARD -- Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off of aircraft.

APPROACH SURFACE -- A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this section. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES -- These zones are set forth in Subsection C of this section.

CONICAL SURFACE -- A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand feet (4,000').

HAZARD TO AIR NAVIGATION -- An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

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

HORIZONTAL SURFACE -- A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY -- Any runway that is constructed for and intended to be used by propeller-driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and by jet-powered aircraft.

NONCONFORMING USE -- Any preexisting structure, object of natural growth, or use of land covered by this airport district which is inconsistent with the provisions of this section or an amendment thereto.

NONPRECISION INSTRUMENT RUNWAY -- A runway having an existing instrument-approach procedure utilizing air navigation facilities with only horizontal guidance or area-type navigation equipment for which a straight-in nonprecision-instrument approach procedure has been approved or planned.

OBSTRUCTION -- Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in this section.

PERSON -- An individual, firm, partnership, corporation, company, association, joint-stock association or government entity, including a trustee, receiver, assignee or similar representative of any of them.

PRECISION INSTRUMENT RUNWAY -- A runway having an existing instrument-approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE -- A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Subsection C of this section. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

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

STRUCTURE -- An object, including a mobile object, constructed or installed by man, including, but without limitations, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

TRANSITIONAL SURFACE -- These surfaces extend outward at ninety degree (90°) angles to the runway center line and the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at ninety degree (90°) angles to the extended runway center line.

TREE -- Any object of natural growth.

UTILITY RUNWAY -- A runway that is constructed for and intended to be used by propeller-driven aircraft of up to twelve thousand five hundred (12,500) pounds maximum gross weight.

VISUAL RUNWAY -- A runway intended solely for the operation of aircraft using visual approach procedures.

- C. Airport zones. In order to carry out the provisions of this section, there is hereby created and established an airport overlay district made up of the following zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Buehl Airport and Northeast Philadelphia Airport. Such zones are shown on the Middletown Township, Bucks County Airport Zoning Maps, consisting of two (2) sheets, attached to this chapter and made a part hereof.^{f.lxxxviiEN} An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (1) Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty feet (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty feet (1,250') at a horizontal distance of five thousand feet (5,000') from the primary surface. Its center line is the continuation of the center line of the runway.
- (2) Utility Runway Nonprecision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone expands outward uniformly to a width of two thousand feet (2,000') at a horizontal distance five thousand feet (5,000') from the primary surface. Its center line is the continuation of the center line of the runway.
- (3) Precision Instrument Runway Approach Zone. The inner edge of this zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. Its center line is the continuation of the center line of the runway.
- (4) Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

- (5) Horizontal Zone. The horizontal zone is established by swinging arcs of five thousand feet (5,000') radii for all runways designated utility or visual and ten thousand feet (10,000') for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 - (6) Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand feet (4,000').
- D. Airport height limitations. Except as otherwise provided in this section, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this section to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:
- (1) Utility Runway Visual Approach Zone. Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway center line.
 - (2) Utility Runway Nonprecision Instrument Approach Zone. Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway center line.
 - (3) Precision Instrument Runway Approach Zone. Slopes fifty feet (50') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway center line; thence slopes upward forty feet (40') horizontally for each foot vertically to an additional horizontal distance of forty thousand feet (40,000') along the extended runway center line.
 - (4) Transitional Zones. Slope seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of one hundred fifty feet (150') above the airport elevation, which is one hundred sixty three feet (163') above mean sea level for Buehl Airport and one hundred twenty one feet (121') above mean sea level for Northeast Philadelphia Airport. In addition to the foregoing, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending to where they

intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway center line.

- (5) Horizontal Zone. Established at one hundred fifty feet (150') above the airport elevation or at a height of three hundred thirteen feet (313') above mean sea level for Buehl Airport and two hundred seventy one feet (271') above mean sea level for Northeast Philadelphia Airport.
 - (6) Conical Zone. Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation.
 - (7) Exceptions to height limitations. Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree up to the height limits established by other applicable Township zoning district limits or by this section, whichever is lower.
- E. Use restrictions. Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.
- F. Nonconforming uses. Nonconforming uses shall be governed by the following:
- (1) Regulations not retroactive. The regulations prescribed in this section shall not be constructed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this section or otherwise interfere with the continuance of a use made nonconforming by the adoption of this section. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section and which is diligently executed.
 - (2) Marking and lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of

such markers and lights as shall be deemed necessary by the Township Zoning Officer or Township Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of Buehl Airport or Northeast Philadelphia Airport.

- G. Permits. Applications for zoning and building permits shall be governed by the following:
- (1) Future uses. Except as specifically provided in Subsection G(1)(a), (b) and (c) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient detail to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted, subject to the other requirements and conditions of this section. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been granted in accordance with Subsection G(4).
 - (a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy five feet (75') of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - (b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred feet (4,200') from each end of the runway, no permit shall be required for any tree or structure less than seventy five feet (75') of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - (c) In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy five feet (75') of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transitional zones.

- (d) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this section except as set forth in Subsection D.
- (2) Existing uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this section or any amendments thereto or when the application for a permit is made.
- (3) Nonconforming uses abandoned or destroyed. Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- (4) Variances. Any person desiring to erect or increase the height of any structure or permit the growth of any tree or use property not in accordance with the regulations prescribed in this section may apply to the Zoning Hearing Board for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration and the Pennsylvania Department of Transportation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and that the relief granted will not be contrary to the public interest or create a hazard to air navigation. Additionally, no application for variance to the requirements of this chapter may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the owner or manager of Buehl Airport or Northeast Philadelphia Airport, as the case may be, for comments as to the aeronautical effect of the variance. If the owner or manager of Buehl Airport and Northeast Philadelphia Airport, as the case may be, does not respond to the application within fifteen (15) days after receipt, the Zoning Hearing Board may act on its own to grant or deny said application.
- (5) Obstruction marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If

deemed proper by the Zoning Hearing Board, this condition may be modified to require the owner to permit Buehl Airport or Northeast Philadelphia Airport, at its own expense, to install, operate and maintain the necessary markings and lights.

- (6) FAA regulations update. In the event any existing or future regulation of the Federal Aviation Administration (FAA), its successor agency or the Pennsylvania Department of Transportation is inconsistent with any provision of this section, then such FAA or state regulation shall prevail, and such provision of this section shall automatically be modified thereby.

§ 500-2202. SW Solid Waste Management District.

- A. Purpose and intent. The purpose of the Solid Waste Management District is to establish reasonable standards for the recycling, processing, transfer, collection, storage, disposal and treatment of municipal waste within the Township. Further, it is the intent of this district to encourage, whenever possible, the reduction, reuse and recycling of waste through environmentally sound techniques.
- B. Applicability. The Solid Waste Management District shall be an overlay to regulate the use of land within the area designated SW on the Township Zoning Map.^{lxxxviii}EN The requirements of the overlay district shall supersede the requirements of the underlying zoning district for municipal waste uses.
- C. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

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

- D. Use regulations.
 - (1) A building may be erected or used and a lot may be used or occupied for any of the purposes listed below when authorized by the Board of Supervisors as a conditional use.

- (a) Municipal waste facilities.

[1] Composting facility. A facility for the composting of the organic matter in municipal waste.

- [2] Incinerator. A facility designed to reduce the volume of municipal waste by combustion. This use may or may not include heat exchange equipment for energy recovery.
- [3] Material separation and/or refuse-derived fuel (RDF) facility. The extraction of materials from municipal waste for recycling or for use as refuse-derived fuel (RDF).
- [4] Recycling facility. A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for municipal waste nor composting facilities or resource-recovery facilities.
- [5] Transfer station. A facility where municipal waste is delivered for the purpose of compacting the material into larger vehicles for transport to a final disposal site or processing facility. (A transfer station may include the separation and collection of material for the purpose of recycling.)

(b) Municipal waste landfill. Any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the PA DEP under the Solid Waste Management Act. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

(2) A building may be erected or used and a lot may be used or occupied in accordance with the provisions of the underlying zoning district.

E. Requirements for municipal waste facilities. The following uses are considered types of municipal waste facilities: composting facility, incinerator, material separation and/or refuse-derived fuel (RDF) facility, recycling facility and transfer station. The following requirements shall be applicable to municipal waste facilities.

- (1) A minimum lot area of five (5) acres and a minimum lot width at the street line of two hundred feet (200') shall be required.
- (2) Any such use shall be set back at least two hundred feet (200') from any street line or property line. Additionally, an incinerator or transfer station shall be a minimum of three hundred feet (300') from any residential zoning district or occupied residential dwelling unit.

- (3) The maximum impervious surface ratio shall be sixth percent (60%).
- (4) Operation of a municipal waste facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Department of Environmental Protection (PA DEP) and the provisions of this chapter. In the event that any of the provisions of this chapter are less restrictive than any present or future rules or regulations of PA DEP, the more restrictive PA DEP regulations shall supersede and control.
- (5) Municipal waste landfill operations, disposal and open burning of any materials shall specifically be prohibited at municipal waste facilities.
- (6) Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every municipal waste facility shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.
- (7) Unloading of municipal waste shall be continuously supervised by a facility operator.
- (8) Hazardous materials (as defined in 40 CFR, Chapter 1, Part 261, dated July 1, 1984, or as amended) shall not be received or processed at a municipal waste facility.
- (9) Litter control shall be exercised to confine blowing litter to the work area and a working plan for cleanup of litter shall be submitted to the Township.
- (10) All parts of the process, unloading, handling and storage of municipal waste shall occur within a building. However, certain separated recyclable materials like glass, aluminum, and other metals may be stored outdoors, provided that they are properly screened so as not to be visible from any adjacent streets or property.
- (11) No municipal waste shall be processed or stored at a recycling facility. For all other types of municipal waste facilities, municipal waste shall not be stored on the site for more than seventy two (72) hours.
- (12) A contingency plan for disposal of municipal waste during a plant shutdown must be submitted to the Township and approved by the Board of Supervisors.
- (13) Leachate from the municipal waste and water used to wash vehicles or any part of the operation shall be disposed of in a manner in compliance with PA DEP regulations. If the leachate is to be discharged to a municipal sewage

treatment plant appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall the leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Pennsylvania Department of Environmental Protection' regulations.

- (14) Waste from the municipal waste facility process (such as, but not limited to, ash from an incinerator) shall be stored in such a manner as to prevent it from being carried from the site by wind or water. This process waste shall be located at least one hundred feet (100') from any property line and stored in leakproof and vectorproof containers. Such process waste shall be disposed of in a sanitary landfill approved by PA DEP or in another manner approved by PA DEP.
 - (15) Buffer yard. A buffer yard of one hundred feet (100') in width shall be provided along all property lines and street lines. The buffer yard shall be in accordance with the provisions of § 500-2605.
- F. Requirements for a municipal waste landfill. The following requirements shall be applicable to a municipal waste landfill:
- (1) A minimum lot area of twenty five (25) acres and a minimum lot width at the street line of three hundred feet (300') shall be required.
 - (2) The municipal waste landfill operation shall be set back at least three hundred feet (300') from any street line or property line.
 - (3) The maximum impervious surface ratio shall be sixth percent (60%).
 - (4) Operation of any municipal waste landfill shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Department of Environmental Protection and the provisions of this chapter. In the event that any of the provisions of this chapter are less restrictive than any present or future rules or regulations of the Department, the more restrictive Department rules or regulations shall supersede and control in the operation of such municipal waste landfill.
 - (5) Burning of municipal waste is prohibited at a municipal waste landfill.
 - (6) A municipal waste landfill operation shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate a landfill.
 - (7) Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every municipal waste landfill shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.

- (8) Unloading of waste shall be continuously supervised.
 - (9) Hazardous materials (as defined in 40 CFR, Chapter 1, Part 261, dated July 1, 1984, or as amended) shall not be disposed of in a municipal waste landfill.
 - (10) Litter control shall be exercised to confine blowing litter to the work area, and a working plan of cleanup of litter shall be accomplished.
 - (11) Salvaging shall be conducted by the operator only and shall be organized so that it will not interfere with prompt sanitary disposal of waste or create unsightliness or health hazards. The storage of salvage shall be controlled in a manner that will not permit the inhabitation or reproduction of deleterious vectors.
 - (12) The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling onto the fill, and to prevent the collection of standing water. The operator shall comply with the requirements of Title 25 of the Pennsylvania Code and applicable Township ordinances so that there is no adverse off-site impact from the drainage of surface water.
 - (13) Operation of any municipal waste landfill shall at all times be in full compliance with the Pennsylvania Clean Streams Law, Act 157 of 1980, as amended.
 - (14) Buffer yard. A buffer yard of two hundred feet (200') in width shall be provided along all property lines and street lines. The buffer yard shall be in accordance with the provisions of § 500-2605.
 - (15) A final inspection of the entire site shall be made by the Department of Environmental Protection and the Township and their authorized representatives to determine compliance with approved plans and specifications before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the municipal waste landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded and uneven areas in the final cover during the first two (2) years following completion of the municipal waste landfill. A bond shall be posted to ensure that all corrective work is completed.
- G. Impact statements. An applicant for a municipal waste facility or a municipal waste landfill shall submit the following impact statements:
- (1) Natural resource protection standards. The applicant shall submit an analysis which evaluates his ability to meet the natural resource protection standards of § 500-2601 of this chapter.

- (2) Nuisance standards. The applicant shall submit specifications and reports that contain detailed information as to how the facility will be able to operate within the limits of the nuisance standards of Article XXV of this chapter.
- (3) Traffic impact study. The applicant shall submit a traffic impact study prepared in accordance with the requirements for said study set forth in the Middletown Township Subdivision and Land Development Ordinance (Chapter 440).

§ 500-2203. Neshaminy Creek Watershed Peak Rate Districts.

[Added 12-1-1992 by Ord. No. 92-15; amended 8-16-2000 by Ord. No. 00-09]

- A. Purpose and intent. The Stormwater Runoff Peak Rate Districts are those delineated and defined in § 440-406H of the Middletown Township Subdivision and Land Development Ordinance and are hereby make part of this chapter by reference. These stormwater management districts act as overlay districts so that land development and disturbance activities are controlled by the underlying zoning district regulations and by the provisions of the Stormwater Runoff Peak Rate Districts of the Neshaminy Creek Watershed Stormwater Management Plan. Land development and disturbance activities shall also be subject to the water quality requirements described in § 440-406G of the Subdivision and Land Development Ordinance. These districts and requirements are established to implement the Neshaminy Creek Watershed Stormwater Management Plan.
- B. Classes of zoning districts. In order to carry out the provisions of this section, there is hereby created and established a Stormwater Runoff Peak Rate Overlay District made up of the following zones:

Stormwater Runoff Peak Rate Districts	
RR-1	100% release rate
RR-3	75% release rate
DD	Provisional direct discharge
LR	Provisional lower reaches 100% release rate.

- C. Use subject to other regulations. Uses permitted by right, as a special exception or as a conditional use shall be subject to the use regulations and the stormwater management regulations of § 440-406 of the Middletown Township Subdivision and Land Development Ordinance. All improvement activities for all parcels, including improvements to existing activities or other facilities, including, but not

limited to, parking areas, are subject to the stormwater management regulations specified in § 440-406 of the Subdivision and Land Development Ordinance. No zoning permit shall be issued until a stormwater management plan, if required, has been submitted and approved by the Township.

D. Regulated activities.

- (1) The following activities are considered as "regulated activities" which are subject to the stormwater management provisions:
 - (a) Subdivision and/or land development.
 - (b) Construction of new or additional impervious surfaces (driveways, parking lots, etc.).
 - (c) Construction of new buildings or additions to existing buildings.
 - (d) Diversion of piping of any natural or man-made stream channel.
 - (e) Installation of stormwater systems or appurtenances thereto.
- (2) Exemptions to regulated activities. All improvement activities for all parcels, including improvements to existing activities or other facilities, including, but not limited to, parking areas, are subject to the stormwater management regulations specified in § 440-406 of the Subdivision and Land Development Ordinance. Due to the limited impact on stormwater runoff, the following activities are exempt from stormwater plan preparation requirements; however, stormwater associated with any activity must be managed in a manner consistent with § 440-406 of the Subdivision and Land Development Ordinance. Any regulated activity which would create less than two thousand five hundred (2,500) square feet of additional impervious cover is exempt from the stormwater management plan preparation provisions of this section. This criterion shall apply to the total proposed development even if the development is to take place in stages. Any area proposed for gravel or crushed stone, etc. shall be considered to be impervious for purposes of this section. The Township may require plan preparation and submission of the individual lot grading plans in connection with zoning permit applications in order to promote the purposes of the stormwater management provisions.
 - (a) Agricultural operations exclusion. Any land disturbance associated with agricultural activities operated in accordance with a conservation plan or erosion and sedimentation control plan approved by the Bucks County Conservation District or the USDA Natural Resources Conservation Service is exempt from the stormwater management plan preparation provisions of this section.

- (b) Forest management operations exclusion. Any land disturbance associated with forest management operations which are following the DEP's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and is operating under an adequate erosion and sedimentation control plan approved by an applicable agency is exempt from the stormwater management plan preparation provisions of this section.
- (c) Mining operations exclusion. Any land disturbance associated with mining operations approved and operated in accordance with all applicable rules and regulations of the DEP and is operating under an erosion and sedimentation control plan approved by the applicable agency.
- (d) Use of land for garden for home consumption. [Amended 8-16-2000 by Ord. No. 00-09]

E. Environmental performance standards.

- (1) Stormwater. All land development and disturbance activities located in the stormwater runoff peak rate districts delineated in Subsection B, Classes of zoning districts, shall control the stormwater runoff generated in accordance with the requirements of the stormwater management provisions contained in the Subdivision and Land Development Ordinance, § 440-406.
 - (2) Soil erosion and sedimentation. All land development and disturbance activities located in the stormwater runoff peak rate districts delineated in Subsection B, Classes of zoning districts, shall protect streams, lakes, ponds and watercourses from sedimentation damage and control erosion in accordance with the requirements of the Subdivision and Land Development Ordinance, § 440-407, and Chapter 102, Erosion Control, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection.
- F. Floodplain regulations. No encroachment, alteration or improvement of any kind shall be made to any watercourse channel located in the stormwater management districts delineated in Subsection B, Classes of zoning districts, until all adjacent municipalities which may be affected by such action have been notified by the applicant, proof of notification is submitted to the Township, and until all required permits or approvals have been obtained in accordance with the stormwater management provisions of § 440-406 of the Middletown Township Subdivision and Land Development Ordinance and the requirements of the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterway Management.

- G. Zoning Officer; duties and powers. Receive, examine and process stormwater management plans along with required zoning permits in accordance with the stormwater management provision of § 440-406 of the Middletown Township Subdivision and Land Development Ordinance.
- H. Application requirements for zoning permits. All applications for zoning permits shall include stormwater management plans, if required, in accordance with the Township's stormwater management provisions stated in § 440-406 of the Subdivision and Land Development Ordinance (Chapter 440).

§ 500-2204. Stormwater runoff districts for all areas except Neshaminy Creek Watershed.

[Added 8-16-2000 by Ord. No. 00-09]

- A. Purpose and intent. The stormwater runoff peak rate districts are those delineated and defined in § 440-406H of the Middletown Township Subdivision and Land Development Ordinance (Chapter 440) and are included in the Neshaminy Creek Watershed Stormwater Runoff Peak Rate Districts, § 500-2203, of this article. The remainder of Middletown Township, excluding the Neshaminy Creek Watershed, shall also be excluded in an overlay district for stormwater runoff. The land development and disturbance activities are controlled by the underlying zoning district regulations and by the provisions for the stormwater runoff districts for all areas except Neshaminy Creek Watershed, as defined in this section. Land development and disturbance activities shall also be subject to the water quality requirements described in § 440-406G of the Subdivision and Land Development Ordinance.
- B. Classes of zoning districts.
- (1) In order to carry out the provisions of this section, there is hereby created and established a stormwater runoff overlay district made up of the following zones:
- (a) Stormwater runoff district zones:
- | | |
|------|----------------------------|
| RR-1 | 100% release rate district |
|------|----------------------------|
- (2) All areas of the Township not included in the Neshaminy Creek Watershed are in the RR-1 District.
- C. Use subject to other regulations. Uses permitted by right, as a special exception, or as a conditional use shall be subject to the use regulations and the stormwater management regulations of § 440-406 of the Middletown Township Subdivision and Land Development Ordinance (Chapter 440). No zoning permit shall be issued until a stormwater management plan, if required, has been submitted and approved by the Township.

D. Regulated activities.

- (1) The following activities are considered as "regulated activities" which are subject to the stormwater management provisions:
 - (a) Subdivision and/or land development.
 - (b) Construction of new or additional impervious surfaces (driveways, parking lots, etc.)
 - (c) Construction of new buildings or additions to existing buildings.
 - (d) Diversion or piping of any natural or man-made stream channel.
 - (e) Installation of stormwater systems or appurtenances thereto.
- (2) Exemptions to regulated activities. All improvement activities for all parcels, including improvements to existing activities or other facilities, including, but not limited to, parking areas, are subject to the stormwater management regulations specified in § 440-406 of the Subdivision and Land Development Ordinance (Chapter 440). Due to limited impact on stormwater runoff, the following activities are exempt from stormwater management plan preparation requirements; however, stormwater associated with any activity must be managed in a manner specified in § 440-406 of the Subdivision and Land Development Ordinance. Any regulated activity which would create less than two thousand five hundred (2,500) square feet of additional impervious cover is exempt from the stormwater management plan preparation provisions of this section. This criterion shall apply to the total proposed development even if the development is to take place in stages. Any area proposed for gravel or crushed stone, etc., shall be considered to be impervious for purposes of this section. The Township may require plan preparation and submission of the individual lot grading plan in connection with zoning permit applications in order to promote the purposes of the stormwater management provisions:
 - (a) Agricultural operations exclusion. Any land disturbance associated with agricultural activities operated in accordance with a conservation plan or erosion and sedimentation control plan or erosion and sedimentation control plan approved by the Bucks County Conservation District or the USDA Natural Resources Conservation Service is exempt from the stormwater management provision of this section.
 - (b) Forest management operations exclusion. Any land disturbance associated with forest management operations which are following the Department of Environmental Protection's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and is operating under an adequate erosion and sedimentation control plan approved by an applicable agency is

exempt from the stormwater management plan preparation provision of this section.

(c) Mining operations exclusion. Any land disturbance associated with mining operations approved and operated in accordance with all applicable rules and regulations of the Department of Environmental Protection and operating under an erosion and sedimentation control plan approved by applicable agency.

(d) Use of land for gardening for home consumption.

E. Environmental performance standards.

(1) Stormwater. All land development and disturbance activities located in stormwater runoff districts delineated in Subsection B, Classes of zoning districts, shall control the stormwater runoff generated in accordance with the requirements of the stormwater management provisions contained in the Subdivision and Land Development Ordinance (Chapter 440).

(2) Soil erosion and sedimentation. All land development and disturbance activities located in the stormwater runoff districts delineated in Subsection B, Classes of zoning districts, shall protect streams, lakes, ponds and watercourses from sedimentation damage and control erosion in accordance with the requirements of the Subdivision and Land Development Ordinance, § 440-407, and Chapter 102, Erosion Control, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection.

F. Floodplain regulations. No encroachment, alteration or improvement of any kind shall be made to any watercourse channel located in the stormwater management districts delineated in Subsection B, Classes of zoning districts, until all adjacent municipalities which may be affected by such action have been notified by the applicant, approvals have been obtained in accordance with the stormwater management provisions of § 440-406 of the Middletown Township Subdivision and Land Development Ordinance and the requirements of the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterway Management.

G. Zoning Officer; duties and powers. Receive, examine and process stormwater management plans along with the stormwater management provisions of § 440-406 of the Middletown Township Subdivision and Land Development Ordinance.

H. Application requirements for zoning permits. All applications for zoning permits shall include stormwater management plans, if required, in accordance with the Township's stormwater management provisions stated in § 440-406 of the Subdivision and Land Development Ordinance (Chapter 440).

ARTICLE XXIII, General Regulations

§ 500-2301. Minimum area and dimensional requirements.

An existing lot that complies with the area and dimensional standards of this chapter shall not be reduced in size so that the minimum lot area and/or dimensional requirements of this chapter are no longer met. An existing lot that does not comply with the minimum lot area standards of this chapter shall not be subdivided. A lot that does not comply with the minimum dimensional standards shall not be subdivided so as to further reduce the nonconforming standard or create a new nonconforming condition.

§ 500-2302. Yard requirements.

No portion of a building or structure shall be built within the minimum depth of front, side or rear yards as specified in Articles IV through XXI, except where specifically permitted by this chapter.

§ 500-2303. Front yard exceptions.

- A. A front yard of not less than fifty feet (50') shall be provided on all lots abutting an officially designated state highway, subject to Subsection B below.
- B. A proposed building may be constructed nearer to the street than the required minimum front yard depth under the following conditions:
 - (1) There shall be existing buildings on the lots on either side of the lot which would contain the proposed building.
 - (2) The proposed building would front on the same side of the same street in the same block as the existing buildings on lots on either side.
 - (3) The existing buildings on the lots on either side would be no greater than fifty feet (50') from the proposed building.
 - (4) The proposed building may be constructed at a front yard depth that is not less than the average of the front yard setbacks of the existing buildings on the lots on either side.
 - (5) In no case shall the front yard of the proposed building be less than twenty feet (20').

§ 500-2304. Projections into yards.

Apparatus needed for the operation of active and passive solar energy systems (including but not limited to overhangs, movable insulating walls and roofs, detached solar

collectors, reflectors and piping), ground-story bays, porches and chimney flues may project into required yard areas no more than four feet (4'). Such projections into the required minimum yard areas shall not occupy more than one-third ($\frac{1}{3}$) the length of the building wall. Cornices and gutters may project no more than two feet (2') over a required yard. Fire escapes may be permitted in accordance with this section in side or rear yards only.

§ 500-2305. Fences.

[Amended 3-23-1999 by Ord. No. 99-03]

- A. Height. The height of fences for residential uses shall be no more than six feet (6'), and the height of fences for nonresidential uses shall be no more than eight feet (8'), except where this chapter or other ordinances, statutes or regulations require a greater height.
- B. Construction.
- (1) Every fence shall be constructed in a neat and orderly manner, of materials which are not intrinsically unsightly.
 - (2) No electrified or barbed wire fence shall be erected or maintained, with the following exceptions:
 - (a) Electrified fences operating on no more than six (6) volts of electricity.
 - (b) Barbed wire fences used on farms for the restraint of livestock or where required by other ordinances, statutes and regulations.
- C. Location.
- (1) The distance between the wall of a building and a fence parallel to it shall not be less than five feet (5').
 - (2) Fences shall meet the requirements of § 500-2308 regarding traffic visibility across corners.
 - (3) In residential or commercial districts, stockade or board-on-board fences shall be located in rear or side yards only. Where a property fronts on more than one (1) street, a fence otherwise satisfying the requirements of this chapter may be erected in the front yard which is not the yard the front of the dwelling faces, provided that it is not located within the required minimum front yard.
 - (4) All fences must be located eight feet (8) from the physical cartway or, if there is a sidewalk, eight feet (8') from the inner edge of the sidewalk.

D. Where required.

- (1) Pools. A fence shall be provided around swimming pools in accordance with § 500-2404.
- (2) Ponds. Ornamental ponds for residential uses which are man-made and can hold water of twenty four inches (24") or greater in depth shall be completely enclosed by a fence at least four feet (4) high and constructed so as to make climbing by children difficult. Ponds used for agricultural, fire protection or municipal purposes shall be exempt from this fence requirement.
- (3) Excavations and quarries. Every quarry, gravel pit and similar permanent excavation which is hazardous to children or to passersby shall be enclosed by a sturdy fence of eight feet (8') in height and constructed so as to make climbing difficult.

§ 500-2306. Exceptions to building height.

[Amended 3-23-1999 by Ord. No. 99-04]

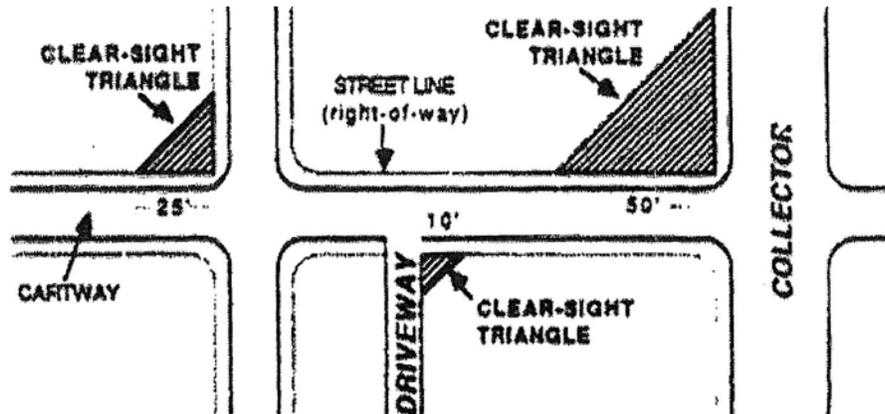
The height of buildings is regulated to prevent loss of life or excessive property damage through the inability of fire equipment to reach upper stories or roofs. Therefore, no building shall exceed the maximum building heights specified in Articles IV through XXI, except church spires, belfries, silos, water towers, solar energy systems, WECS, antennas, television towers, masts, aerials, flagpoles or other structures necessary for providing water, electricity, heat, cooling, radio or similar facilities, provided they are not used for human occupancy and are setback one and one-half (1.5) times their height (from ground level to the top of the structure) from other buildings or property lines. However, this setback requirement does not apply to a tower or antenna associated with a telecommunications facility.

§ 500-2307. Access.

No dwelling shall hereafter be erected unless there is direct access to it through an open space on the same lot. Such open space shall not be less than twenty five feet (25') in width and shall extend from the dwelling to a public street, private street, road or way which has a right-of-way width of not less than fifty feet (50') and which has been offered to the Township for dedication. This access requirement is in addition to, not in place of, the minimum lot width requirement which is measured at the required building setback line.

§ 500-2308. Traffic visibility across corners.

- A. In all districts, no structure, fence, planting or other obstruction shall be maintained between a horizontal plane two feet (2') above curb level and a plane seven feet (7') above curb level so as to interfere with traffic visibility across the corner within that part of the required front or side yard which is within a horizontal clear sight triangle bounded by the two (2) street lines (rights-of-way) and a straight line drawn between points on each such line twenty five feet (25') from the intersection of said lines or extension thereof. When one (1) or both streets which form the intersection are classified as collector or arterial highways, the clear sight triangle bounded by the two (2) street lines and a straight line drawn between points on such line shall be fifty feet (50') from the intersection of said lines or extension thereof.



- B. At each point where a private accessway intersects a public street or road, a clear sight triangle of ten feet (10') measured from the point of intersection of the street line and the edge of the accessway shall be maintained within which vegetation and other visual obstructions shall be limited to a height of not more than two feet (2') above the street grade.

§ 500-2309. Street classifications.

Certain streets of the Township are classified as follows and those streets and any future extensions thereof shall have a minimum right-of-way as set forth hereinbelow:

- A. Expressways shall have a minimum right-of-way width of one hundred twenty feet (120'). The following roads shall be classified as an expressway:
- (1) Interstate 95.
 - (2) U.S. 1 Expressway (Super Highway).

B. Arterials shall have a minimum right-of-way width of one hundred (100'). The following roads shall be classified as arterials:

- (1) East Lincoln Highway.
- (2) Langhorne-Newtown Road (PA 413).
- (3) New Rodgers Road (PA 413).
- (4) Newportville-Fallsington Road.
- (5) Old Lincoln Highway (from U.S. 1 Expressway east to East Lincoln Highway).
- (6) Township Line Road.
- (7) Trenton Road.
- (8) West Lincoln Highway.

C. Collectors shall have a minimum right-of-way width of eighty feet (80'). The following roads shall be classified as collectors:

- (1) Bridgetown Road.
- (2) Durham Road.
- (3) Hulmeville Road.
- (4) Langhorne-Yardley Road.
- (5) North Flowers Mill Road.
- (6) Old Lincoln Highway (from U.S. 1 Expressway east to West Maple Avenue).
- (7) Oxford Valley Road.
- (8) South Flowers Mill Road.
- (9) West Maple Avenue (from Neshaminy Creek to U.S. 1 Expressway).
- (10) Woodbourne Road.

D. Primary roads shall have a minimum right-of-way width of sixty feet (60'). The following roads shall be classified as primary roads:

- (1) Big Oak Road.
- (2) Brownsville Road.
- (3) Chickenfoot Road.

- (4) Ellis Road.
 - (5) Frosty Hollow Road.
 - (6) Fulling Mill Road.
 - (7) Neshaminy Street.
 - (8) Silver Lake Road.
 - (9) Tollgate Road.
 - (10) Village Road.
 - (11) Winchester Avenue.
 - (12) Zimmerman Lane.
- E. Secondary streets shall have a minimum right-of-way width of fifty feet (50'). Any road which has not been classified above shall be considered a secondary street.

§ 500-2310. Public utility corporation.

This chapter shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the public utility corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the public utility corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

§ 500-2311. Trucks, truck tractors and trailers prohibited.

- A. Definitions. For the purposes of this section, the following words or phrases shall be defined as indicated.

COMBINATIONS -- Two (2) or more vehicles physically interconnected in tandem.

REGISTERED GROSS WEIGHT -- The maximum gross weight at which a vehicle or combination is registered in this commonwealth or any other commonwealth or state to operate upon a highway.

TRAILER -- A vehicle designed to be towed by a motor vehicle, used or maintained primarily for the transportation of property.

TRUCK -- A motor vehicle designed, used or maintained primarily for the transportation of property.

TRUCK TRACTOR -- A motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load so drawn.

- B. No land, whether public or private, including any street which is zoned primarily for residential use, including, but not limited to, those districts designated RA-1, RA-2, RA-3, R-1, R-2, R-3, A-O and MR, shall be used for the purpose of parking or storing any truck, truck tractor or trailer which has one or more of the following characteristics:
 - (1) A registered gross weight or a registered gross weight for a combination of more than fourteen thousand (14,000) pounds for a truck or truck tractor or more than ten thousand (10,000) pounds for a trailer.
 - (2) More than two (2) axles or more than one rear axle.
- C. The foregoing regulations of this section shall not apply to vehicles being used for agricultural purposes when the vehicles are located on the premises where the agricultural activity is taking place or vehicles in the process of delivering a product, material or service.

§ 500-2312. Residential conversions.

A residential conversion is the conversion of an existing building into two or more dwelling units. A residential conversion is permitted when authorized by the Zoning Hearing Board as a special exception, subject to the following provisions:

- A. A residential conversion shall only be permitted in the following zoning districts: RA-1, RA-2, RA-3, R-1, R-2, R-3, MR and P Districts.
- B. The minimum lot area per dwelling unit shall not be reduced below the minimum lot area required for single-family detached dwellings for the district in which such lot is located.
- C. The maximum density for the district in which the lot is located shall not be exceeded.

D. Floor area.

- (1) The following minimum floor area requirements shall be met:

Type of Unit	Minimum Floor Area (square feet)
Efficiency	400
1 bedroom	500
2 bedrooms	650
3 bedrooms	800
4 bedrooms	950

- (2) A minimum one hundred twenty (120) square feet of floor area for each additional bedroom, den, family room or recreation room shall be required.

- E. Detached dwellings which are converted must maintain the appearance of a detached dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may share the single front entrance. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall and in no case on a front or side wall facing a street.
- F. Except as may be necessary for purposes of safety in accordance with the preceding subsection, there shall be no major structural change in the exterior of the building in connection with the conversion. After conversion, the building shall retain substantially the same structural appearance it had before such conversion.
- G. Each converted structure shall have a recreation/patio area of at least two hundred (200) square feet per dwelling unit. The recreation/patio area shall not be located in the minimum front or side yards.
- H. Separate cooking and sanitary facilities shall be provided for each dwelling unit.
- I. Trash receptacles shall not be visible from the street or abutting properties except on scheduled pickup days.
- J. Parking.
- (1) Two (2) off-street parking spaces shall be provided for dwellings having three (3) bedrooms or less, and three (3) off-street parking spaces shall be provided for dwellings having four (4) bedrooms or more.
- (2) Off-street parking spaces shall be located to the side or rear of the converted structure.

- (3) Off-street parking lots with three (3) or more spaces shall be buffered from abutting residences by hedge material placed on three (3) foot centers. Alternately, a four (4) to five (5) foot fence may be erected which provides a visual screen.

§ 500-2313. Exceptions to building coverage and impervious surface ratio.

The maximum building coverage or maximum impervious surface ratio applicable to a lot may be increased by two percent (2%) when a WECS or solar energy system is utilized on a lot.

§ 500-2314. Protection and preservation of historic buildings, structures and sites.

[Added 3-23-1999 by Ord. No. 99-03]

- A. Purpose. The purpose of this section is to promote the educational, cultural, economic and general welfare of Middletown Township by:
 - (1) Identifying and preserving the distinctive historic, architectural, archaeological and geological characteristics of Middletown Township which represent elements of the Township's cultural, social, economic, political and architectural history.
 - (2) Fostering civic pride in the beauty and noble accomplishments of the past as represented in Middletown Township's landmarks and historic sites.
 - (3) Conserving and improving the value of property designated as landmarks or historic sites or designated as significant archaeological or geological sites.
 - (4) Protecting and enhancing the attractiveness of the Township to home buyers, tourists and visitors and thereby supporting and promoting business, commerce, industry and providing economic benefit to the Township.
 - (5) Fostering and encouraging preservation, restoration and rehabilitation of structures, areas, sites and neighborhoods.
- B. Criteria. The Board of Supervisors shall rely upon the recommendations of the Historic Preservation Commission to make a determination as to whether a building, structure or site should be preserved, based upon whether or not the building, structure or site meets one of the following criteria:
 - (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the community, county, state or country.
 - (2) Its location as a site of a significant local, county, state or national event.

- (3) Its identification with a person or persons who significantly contributed to the development of the community, county, state or country.
 - (4) Its embodiment of distinguishing characteristics of an architectural style valuable of the study of a period, type, method of construction or use of indigenous material.
 - (5) Its identification as the work of a master builder, designer architect or landscape architect whose individual work has influenced the development of the community, county, state or country.
 - (6) Its embodiment of elements of design, detailing, materials or craftsmanship that render it architecturally significant.
 - (7) Its embodiment of design elements that made it structurally or architecturally innovative.
 - (8) Its unique location or singular physical characteristics that make it an established or familiar visual effect.
 - (9) Its suitability for preservation or restoration.
 - (10) Its inclusion in the list of structures identified as historic resources in the Middletown Township Comprehensive Plan.
- C. Identification of buildings, structures and sites. Any application and the accompanying plans submitted to the Township for review for whatever reason shall specifically identify any building, structure or site which meets any of the criteria set forth above in Subsection B(1) through (10), inclusive.
- D. Standards for review. The Township Board of Supervisors shall be guided by the following general standards in the event that the Historic Preservation Commission determines that a building, structure or site meets any of the criteria herein.
- (1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment or to use a property for its originally intended purpose.
 - (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural, archaeological or geological features shall be avoided when possible.
 - (3) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.

- (4) Changes that may have taken place in the course of time or evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building's structure or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new materials should match the materials being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sand blasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
- (9) Every reasonable effort shall be made to protect and preserve the site of a significant local, county, state or national event.
- (10) Every reasonable effort shall be made to protect and preserve a site which has historical significance, heritage or cultural characteristics embodied within the community, county, state or country.
- (11) Every reasonable effort shall be made to protect and preserve significant geological sites affected by or adjacent to any project.

§ 500-2315. Cellular telecommunications facility.

[Added 3-23-1999 by Ord. No. 99-04]

A cellular telecommunications facility (tower and associated telecommunications equipment building) must meet the requirements listed below:

- A. The location of the tower and equipment building shall comply with all natural resource protection standards of this chapter.
- B. An eight foot (8') high security fence shall completely surround the tower (and guy wires if used) and equipment building.

- C. The following buffer plantings shall be located around the perimeter of the security fence:
 - (1) An evergreen screen shall be planted that consists of either a hedge, planted three feet (3') on center maximum (four feet (4') high, minimum), or a row of evergreen trees planted ten feet (10') on center maximum (five feet (5') high, minimum).
 - (2) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- D. The tower shall be designed and constructed to all applicable standards of the American National Standards Institute Manual, ANSI/EIA-222-E, as amended.
- E. A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Township to document and verify the design specifications of the foundation for the tower and anchors for the guy wires if used.
- F. All plans and drawings for the tower and antenna shall contain a signature and seal of a professional structural engineer.
- G. The tower and antenna shall be designed to withstand wind gusts of at least one hundred (100) miles per hour.
- H. An antenna may not be located on a historic building or structure, or within five hundred feet (500') of a property containing a hospital, convalescent home, nursing home, personal care facility, school or playground.
- I. When a tower is no longer in use as a telecommunications facility, the owner shall promptly remove the tower within six (6) months. Prior to receipt of a zoning permit for the construction of a tower, the applicant shall provide to the Township financial security sufficient to guarantee the removal of the tower. Said financial security shall remain in place until the tower is removed.
- J. A cellular telecommunications facility is permitted by special exception in the following zoning districts, C, CS, GB, M-1 and OC, subject to the following conditions:
 - (1) The applicant shall demonstrate that the tower for the telecommunications facility is the minimum height necessary for the service area. The applicant shall also demonstrate that the facility must be located where it is proposed in order to serve the company's system and service area.
 - (2) The applicant shall present documentation that the tower is designed in accordance with the standards cited in this chapter for cellular telecommunications towers.

- (3) The applicant shall demonstrate that the proposed tower complies with all local, state and federal laws and regulations concerning aviation safety.
 - (4) The need for additional buffer yard or other camouflage treatment (such as camouflaging the tower to look like a tree) to help the proposed tower blend in with the surrounding neighborhood shall be evaluated and implemented where required by the Zoning Hearing Board.
 - (5) Where the telecommunications facility is proposed to be located on a property with a principal use, the applicant shall present documentation that the owner of the property has either granted an easement or has entered into a legal agreement for the proposed facility and for vehicular access to the facility.
 - (6) The provisions of § 500-3108 of this chapter regarding special exceptions shall also be met.
- K. A cellular telecommunications facility is permitted in any of the following arrangements:
- (1) Sole use on a lot. A cellular telecommunications facility is permitted as the principal and sole use on a lot, subject to the following:
 - (a) Minimum lot size: minimum lot size required for applicable zoning district
 - (b) Minimum yard requirements: minimum setbacks for the district.
 - (c) Maximum height: tower, one hundred fifty feet (150'); equipment building, maximum building height permitted for the applicable district
 - (d) Buffer yard. Along any adjacent land zoned for or in residential use, a yard shall be provided which shall be not less than the height of the tower in width, measured from the property line or the street line. A planted buffer yard shall be provided in accordance with the provisions of § 500-2605.
 - (2) Combined with another use. A cellular telecommunications facility is permitted as an accessory use on a property with an existing principal use, subject to the following conditions:
 - (a) The existing use on the property may be any permitted use in the district or any lawful nonconforming use and need not be affiliated with the cellular telecommunications provider.
 - (b) The cellular telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.

- (c) Minimum lot area: The minimum lot area shall be the area needed to accommodate the tower (guy wires, if used), the equipment building, security fence and buffer planting. If the title to the land on which the cellular telecommunications facility is located is conveyed to the owner of the facility, the land remaining with the principal lot shall continue to comply with the minimum lot area for the applicable zoning district.
 - (d) Minimum setbacks: The tower and telecommunications equipment building shall comply with the minimum setback requirements for the host lot.
 - (e) Maximum height: tower, one hundred fifty feet (150'); equipment building, maximum building height permitted for the applicable district.
 - (f) Access: The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - (g) Buffer yard. Along any adjacent land zoned for or in residential use, a yard shall be provided which shall be not less than the height of the tower in width, measured from the property line or the street line. A planted buffer yard shall also be provided in accordance with the provisions of § 500-2605.
- (3) Combined with an existing structure. An antenna for a cellular telecommunications facility shall be permitted as an accessory use when attached to an existing structure or building subject to the following conditions:
- (a) Maximum height: fifty feet (50') above the existing building or structure.
 - (b) If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with the following:
 - [1] The building shall comply with the minimum setback requirements for the subject zoning district.
 - [2] An eight foot (8') high security fences shall surround the building.
 - [3] A buffer yard shall be planted in accordance with Subsection C above.
 - [4] Vehicular access to the building shall not interfere with the parking or vehicular circulation on the site for the principal use.
 - (c) Elevations of existing and proposed structures showing width, depth and height, engineering data about the antenna and support structure, such as antenna size and weight and load-bearing capacity of support structure, shall be presented.

- (d) Buffer yard: Along any adjacent land zoned for or in residential use, a yard shall be provided which shall be not less than the height of the tower in width, measured from the property line or the street line. A planted buffer yard shall be provided in accordance with the provisions of § 500-2605.
- L. A cellular telecommunications facility is not permitted in any residential district. However, notwithstanding any other provision of this Chapter, a cellular telecommunications facility shall be a permitted use on all property owned by Middletown Township, without regard to the underlying zoning classification of such property, provided that each such facility meets the provisions of Subsection K above.

§ 500-2316. Retail store.

[Added 5-20-2008 by Ord. No. 08-05]

Retail stores shall be as defined under this chapter and shall be permitted subject to the following conditions:

- A. No retail store shall contain more than eighty thousand (80,000) square feet.
- B. Parking: one (1) off-street parking space for each two hundred (200) square feet of gross floor area used or intended to be used for servicing customers.
- C. Retail stores with a gross floor area of more than twenty thousand (20,000) square feet shall meet the following additional requirements:
 - (1) The use shall be located on an arterial road.
 - (2) Outdoor collection stations shall be provided for garbage and trash removal. These stations shall be located to the rear of the structure and shall be screened from view and landscaped in accordance with applicable Township subdivision and/or land development ordinance requirements.
 - (3) Building design. Buildings shall be designed to provide that new development reflects and enhances the visual, historic and cultural character of Middletown Township. Exterior building materials shall be brick, wood, stone, tile or other high quality materials. No concrete block or tilt-up concrete walls shall be permitted. There shall be no uninterrupted lengths of blank wall longer than one hundred feet (100'). Walls shall be differentiated with recesses, windows, facade details, changes in color, or materials. All sides of a building shall be architecturally consistent with the front facade, and all building faces visible from the street or abutting properties shall have the same architectural features and style as the front facade.

- (4) The use shall be designed to safely accommodate pedestrian and vehicular traffic. Pedestrian circulation shall be provided throughout the site, and pedestrian connections shall be provided to adjacent sidewalks.
- (5) The application for approval of a retail store must be accompanied by a traffic study demonstrating compliance with this section.
- (6) The plan shall provide for shopping cart corrals if shopping carts are to be utilized in the retail store. Cart corrals shall be provided in addition to the required parking spaces.
- (7) The applicant must submit, as part of preliminary land development or subdivision plan or use or occupancy permit application, an economic impact statement describing the potential effects that a new, large-scale retail use may have upon existing businesses, employment patterns, and municipal finances in the community.
- (8) The use shall include a public amenity, such as an outdoor plaza, patio seating area, water feature, clock tower, or other amenity that will enhance the character of the area and provide for additional public benefit to pedestrian traffic. The scale of the public amenities shall be in proportion to the size of the proposed store and shall not be less than one (1) square foot of public amenity for every twenty five (25) square feet of proposed retail store development.
- (9) As part of the land development agreement for the establishment of a retail store in excess of twenty thousand (20,000) square feet, provisions shall be made for the removal of or adaptive reuse of the structure by the applicant in the event that the structure shall not be used for the purpose of a commercial business pursuit and/or retail sales to the general public for a period of twelve (12) consecutive months during which the structure is unused for ninety (90) total days and such cessation of operations is not due to fire, tornado, earthquake or other casualty; the owner of the property on which the structure is located shall cause the property to be restored. Financial security to ensure the removal and/or adaptive reuse of the facility shall be required by the Township, and the applicant will deliver to the Township a bond, letter of credit or other security acceptable to the Township in an amount equal to one hundred fifteen percent (115%) of the current market cost to restore the property on which such structure is located. The word "restore" means "the total demolition and removal of the building above the foundations but down to finished grade and restoration of the property on which such building was located to the condition in which such property shall have been immediately prior to the commencement of construction of such structure."

- (10) Loading docks shall be shielded from view and shall not be visible from adjacent residential districts or from public streets.
 - (11) Tractor-trailers, cargo boxes, or other vehicles or structures meant to be transportable shall not be permitted to be used as accessory buildings or structures for storage. Any such vehicles shall be loaded or unloaded within forty-eight (48) hours and shall not remain on the property or premises beyond the forty-eight (48) hour period permitted hereunder.
- D. The terms, conditions and provisions set forth hereunder shall be deemed "use requirements" and not "dimensional requirements" for purposes of any request for variance from the terms, conditions or provisions of this section. The Board hereby states its intention that these provisions are incident to the Board's permitted use of such retail stores under this chapter, and that all such regulations should be treated as regulations restricting the use and not mere dimensional requirements.

ARTICLE XXIV, Accessory Uses and Structures

§ 500-2401. Permitted; permit needed.

[Amended 5-25-1993 by Ord. No. 93-07]

Accessory uses and structures shall be permitted in all zoning districts, unless otherwise indicated, subject to the specific requirements noted below and the obtainment of a zoning permit.

§ 500-2402. Residential accessory buildings.

[Amended 7-18-2000 by Ord. No. 00-08]

- A. A garage or storage shed which is not an integral structural part of a main building shall be subject to the following requirements:
- (1) Storage sheds may be located in the required side and/or rear yards but not less than three feet (3') from any property line. Garages may be located in the required side and/or rear yards but not less than five feet (5') from any property line.
 - (2) Such structures shall be situated at least 10 feet (10') farther back from the street line than the rearmost portion of the main building.
 - (3) The square footage of residential accessory structures shall be limited to three percent (3%) of the lot area up to a maximum of five hundred (500) square feet and a maximum building height of fourteen feet (14') feet. Accessory garages shall be constructed of a material that is compatible with the residential area, consisting of a wood or similar finish, and shall not include metal pole-barn-type structures. Accessory structures shall also comply with the building coverage and impervious surface ratios of the district in which the structure is to be located. Accessory structures located on through lots are not permitted access off the street on which the principal dwelling does not take access. [Amended 1-9-2007 by Ord. No. 07-02]
- B. A garage or storage shed which is connected to the main building by a breezeway or similar structure shall be considered an integral structural part of the main building and shall comply with all yard requirements specified for the district in which it is located.

- C. Nothing in this section shall be construed to prohibit the erection of a common or joint garage which is not an integral structural part of a main building on adjoining lots.

§ 500-2403. Parking for recreational vehicles and utility trailers.

Recreational vehicles and utility trailers shall be parked and/or stored in a driveway, garage, side yard or rear yard. "Recreational vehicle" is defined as a piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles include, but are not limited to, the following: travel trailers, motor homes, folding tent campers, boats and boat trailers, snowmobiles, and all-terrain vehicles. No zoning permit shall be required for this use, provided the requirements of this section have been met.

§ 500-2404. Swimming pool.

[Amended 7-18-2000 by Ord. No. 00-08]

A recreational facility designed to contain a water depth of twenty four inches (24") or more for use of the residents and their guests. This includes both in-ground and aboveground pools and hot tubs/spas, subject to the following:

- A. A swimming pool shall not be located in a front yard, except where a lot fronts on more than one (1) street, in which case a swimming pool may be located in a front yard, provided that it is not the yard which the front of the dwelling faces and that it is not located within the required minimum front yard.
- B. No swimming pool shall be located within the required minimum side yards, nor closer than six feet (6') to the rear lot line and the rearmost portion of the main building.
- C. An outdoor swimming pool, including an in-ground or aboveground pool or a hot tub/spa, shall be provided with a barrier that completely surrounds the swimming pool. The barrier shall comply with the following:
 - (1) The top of the barrier shall be at least 48 inches (four feet) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches (2"), measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be two inches (2").

- (2) Openings in the barrier shall not allow passage of a four inch (4") diameter sphere.
- (3) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- (4) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty five (45) inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-quarter ($1\frac{3}{4}$) inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarter ($1\frac{3}{4}$) inches in width.
- (5) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty five (45) inches or more, spacing between vertical members shall not exceed four (4) inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarter ($1\frac{3}{4}$) inches in width.
- (6) Maximum mesh size for chain link fences shall be a one and one quarter inch ($1\frac{1}{4}$ ") square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three quarter ($1\frac{3}{4}$) inches.
- (7) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three quarter ($1\frac{3}{4}$) inches.
- (8) Access gates shall comply with the requirements of Subsection C(1) through (7) above and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty four (54) inches from the bottom of the gate:
 - (a) The release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate; and
 - (b) The gate and barrier shall have no opening greater than one-half ($\frac{1}{2}$) inch within eighteen (18) inches of the release mechanism.

- (9) Where a wall of a dwelling serves as part of the barrier, direct access to the pool through the wall shall be limited to doors and windows which meet the following conditions:
 - (a) Windows leading to the pool area shall have a latching device at least fifty four (54) inches above the floor.
 - (b) Hinged doors leading to the pool area shall be self-closing and shall have a self-latching device. The release mechanism of the self-latching device shall be located at least fifty four (54) inches above the floor.
 - (c) Sliding doors or sliding screen doors leading to the pool area shall be self-closing and shall have a self-latching device. The release mechanism of the self-latching device shall be located at least fifty four (54) inches above the floor.
- (10) Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.
- D. A swimming pool may be lighted by underwater or exterior lights, or both, provided all exterior lights are located so that the light is neither directed nor reflected upon adjacent properties in such a manner as to be a nuisance or an annoyance to neighboring properties. Underwater lighting shall be in compliance with the applicable national electrical code.
- E. A swimming pool shall not be located under electrical wires.
- F. There shall be no cross-connection with a public sewerage system.
- G. The permanent inlet shall be above the overflow level of the pool.
- H. A site plan showing the existing and proposed contours of the site and the proposed drainage system for the swimming pool shall be submitted to the Zoning Officer, subject to the approval of the Township Engineer.
- I. In addition to the zoning permit fee, fees shall be required for the review of the site plan by the Township Engineer and for inspection to ensure compliance with the site plan.

§ 500-2405. Temporary structures.

A temporary permit may be issued for structures necessary during construction or other special circumstances of a nonrecurring nature, subject to the following requirements:

- A. Temporary structures shall meet the area and dimensional requirements for the district in which the structure is located. Temporary structures which will not conform to the requirements of this chapter shall only be permitted by special exception.
- B. Temporary construction trailers for tracts under development shall be permitted for the duration of the construction period. Such trailers shall be removed within thirty (30) days after issuance of a certificate of occupancy by the Township.
- C. All temporary structures, except as noted in Subsection B above, shall be permitted for a continuous period of up to thirty (30) days. Such temporary structures shall not be permitted for more than thirty (30) days in any one (1) year, unless the Zoning Hearing Board authorizes an extension as a special exception. Such temporary structures shall be removed promptly after the expiration of the permit without cost to the Township.
- D. Temporary structures shall meet all applicable requirements of the Township Building Code (Chapter 190, Article II)

§ 500-2406. Wind energy conversion system (WECS).

A wind energy conversion system is a device which converts wind energy to mechanical or electrical energy. A wind energy conversion system shall be permitted by special exception, subject to the following requirements:

- A. Siting.
 - (1) A WECS shall be setback from any property line, aboveground utility line, or other WECS a distance greater than either:
 - (a) Its overall height, including blades; or
 - (b) The minimum yard requirements, whichever is greater.
 - (2) In the case of clustered developments, such as a PRD and a performance standard subdivision, a WECS shall be erected within the common open space area and shall be set back from all residences at a distance greater than Subsection A(1)(a) above.
 - (3) Contiguous property owners may construct a WECS for use in common, provided that the required setback is maintained relative to all aboveground utility lines and the property lines of nonparticipating owners.

B. Size.

- (1) Maximum output: one hundred (100) kilowatts.
- (2) Maximum blade diameter: eighty (80) feet.
- (3) Maximum height: none. A WECS shall not be limited by the maximum height restrictions of this chapter, except in airport zones.

C. Safety and welfare.

- (1) Minimum blade height: fifteen (15) feet from ground at the lowest point of the arc.
- (2) Access control: minimum access height of twelve (12) feet or minimum fence height of six (6) feet with locking portal.
- (3) If hookup to the PECO system is proposed, electrical plans must be prepared by a certified electrical engineer, at the applicant's expense, and submitted to PECO for approval which must be obtained.
- (4) Subject to review and approval by the Township Engineer, the design of a proposed WECS shall be such that it will operate safely, without loss of structural integrity, under the following conditions:
 - (a) Loss of utility power (shall not backfeed dead utility line).
 - (b) Blade imbalance (shall support added blade weight of at least ten percent [10%]).
- (5) A minimum of one (1) sign shall be posted near ground level of the tower structure warning of high voltage.
- (6) The electrical and utility lines to and from a WECS shall be underground.
- (7) The ground level equipment and structures shall be adequately buffered from adjacent properties and street rights-of-way with landscaping or fencing.
- (8) A WECS shall primarily serve on-site generation needs.

§ 500-2407. Satellite dish antenna.

[Amended 3-23-1999 by Ord. No. 99-04]

A satellite dish antenna is a device incorporating a reflective surface that is solid, pen mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia.

Such device shall be used to transmit and/or receive video or electromagnetic waves between terrestrial and/or orbitally based uses. A satellite dish antenna that is one (1) meter or less in diameter shall be permitted in any area regardless of land use or zoning category. A satellite dish antenna that is two (2) meters or less in diameter shall be permitted in a nonresidential district (A-O, C, CS, GB, P, M-1 or OC). These satellite dishes shall be exempted from zoning requirements in compliance with Federal Communications Commission regulations. However, any satellite dish antenna exceeding above-noted diameter size (one (1) meter in residential areas and two (2) meters in nonresidential districts) shall be permitted, subject to the following requirements:

- A. A satellite dish antenna may be located in the required side or rear yard. The applicant shall calculate the look angle of the reception window and place the antenna far enough away from the adjoining property to ensure the protection of proper antenna performance. However, in no case shall such accessory structure be located less than five (5) feet from any property line in a residential district or less than the minimum setback required for accessory structures in the applicable nonresidential district.
- B. To help maintain the character of a residential neighborhood, a satellite dish antenna shall not be located in the front yard of a residential structure. No more than one (1) satellite dish antenna shall be permitted on a residential lot.
- C. For safety purposes, a satellite dish antenna shall be anchored to the ground in accordance with applicable building code requirements.
- D. The diameter of a satellite dish antenna shall not exceed nine feet when proposed as an accessory use to a residential use or to any use in the RA-1, RA-2, RA-3, R-1, R-2, R-3, MR, RC or MHP District. When separately supported, the total height of the satellite dish antenna shall not exceed twelve (12) feet.
- E. The diameter of a satellite dish antenna shall not exceed twenty three feet (23') when proposed as an accessory use to any use (except residential uses) in the A-O, C, CS, GB, P, M-1 or OC District.
- F. In order to preserve the structural integrity of a building, roof mounting of a satellite dish antenna shall not be permitted.
- G. If it is demonstrated that an obstruction-free reception window cannot be achieved within the above parameters for reasons beyond the control of the applicant, the requirement(s) may be exceeded by special exception, subject to the following criteria:
 - (1) Demonstration by the applicant that compliance with the applicable yard, setback and height restrictions would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the applicant's control. However, in no case shall the antenna be located in the front yard of a residential structure.

- (2) The height of the proposed installation does not exceed the maximum height restriction imposed for primary uses within the district.
- (3) All applicants must include certification by a registered engineer that the proposed installation complies with the standards of the Township Building Code.
- (4) All installations must include appropriate screening treatments located along the antenna's nonreception window axes as required by the Zoning Hearing Board.
- (5) The criteria relating to all special exceptions in § 500-3108 of this chapter shall apply.

§ 500-2408. Accessory home occupation.

An accessory home occupation is defined as a customary home occupation for gain. An accessory home occupation is an accessory use that shall be clearly subordinate to the existing residential use of the property. Such uses shall meet the general standards and the specific standards related to the use as set forth below.

A. General standards. The following shall apply to all home occupations:

- (1) A home occupation must be conducted within a single-family detached dwelling which is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use. The home occupation shall be carried on entirely indoors.
- (2) The maximum amount of floor area devoted to the home occupation shall not be more than twenty five percent (25%) of the ground floor area of the principal residential structure or four hundred (400) square feet, whichever is less.
- (3) In no way shall the appearance of the residential structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, show windows, signs or advertising visible outside the premises to attract customers or clients, other than those signs permitted by this chapter.
- (4) One (1) sign is permitted per home occupation, provided that it is no larger than one hundred twenty (120) square inches per side. It shall bear only the name, occupation and office hours of the practitioner and shall not be indirectly illuminated. All applicable requirements of Article XXVIII, Sign Regulations, shall be met.

- (5) All commercial vehicles shall be parked on lot. Only one commercial vehicle may be parked outside of a garage or an enclosed structure.
 - (6) All off-street parking areas must be located at least ten (10) feet from any property line. Off-street parking lots with three (3) or more spaces shall be buffered from abutting residences by evergreen hedge material as specified in § 500-2605F(5), which shall be placed on three foot (3') centers. Alternately, a four (4) to five (5) foot fence may be erected which provides a visual screen.
 - (7) There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.
 - (8) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, dust or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visible or audible interferences in any radio or television receivers off the premises. All home occupations shall comply with the nuisance standards in Article XXV.
 - (9) Home occupations shall not include the following: animal hospitals, commercial stables or kennels, funeral parlors or undertaking establishments, tourist homes, antique shops, restaurants, furniture stripping or rooming houses, boardinghouses or lodging houses.
 - (10) All home occupation uses shall be located on an improved public street.
 - (11) No retail sales shall be permitted as part of any home occupation.
- B. Specific use standards. The following shall apply to specific types of accessory home occupations.
- (1) Professional offices.
 - (a) A professional office is a service-oriented business use conducted within an enclosed area specifically designed for the functional needs of the use, wherein the professional services of the practitioner is the saleable commodity offered to the client.
 - (b) Professional offices include, but are not limited to, the following: office facility of a salesman, sales representative or a manufacturer's representative; office facility of an architect, engineer, broker, dentist, physician, psychiatrist, insurance agent, land surveyor, lawyer, musician, real estate agent, or accountant; office facility of a minister, rabbi or other religious leader, provided that the office is open to the public or congregation.

- [1] A professional office home occupation shall be permitted when authorized by the Zoning Hearing Board as a special exception. However, for the office of a salesmen or sales representative which does not involve deliveries to or from the home and does not involve direct, personal contact with the public at the home, a special exception shall not be required.
 - [2] A minimum lot area of one (1) acre shall be required for a professional office home occupation. However, for the office of a salesman or sales representative which does not involve deliveries to or from the home and does not involve direct, personal contact with the public at the home, the minimum lot area shall be the same as required for a single-family detached dwelling in the applicable district.
 - [3] No more than two (2) persons, other than resident members of the immediate family, may be employed or subcontracted at the residence.
 - [4] In addition to the off-street parking spaces required in this chapter for the single-family detached dwelling, a professional office shall provide one (1) off-street parking space for each employee, plus one (1) additional space for each two hundred (200) square feet of office space. A maximum of six (6) off-street parking spaces are permitted on one (1) lot, inclusive of the required residential parking.
- (2) Personal services. A service business, including, but not limited to, barbers, beauticians or photographers.
- (a) A personal service home occupation shall be permitted when authorized by the Zoning Hearing Board as a special exception.
 - (b) Beauty parlors and barbershops shall be located on a minimum lot area of one (1) acre, and no more than two (2) beauty parlor or barber chairs shall be provided.
 - (c) No more than one (1) person, other than resident members of the immediate family, may be employed.
 - (d) In addition to the off-street parking spaces required in this chapter for the single-family detached dwelling, a personal services use shall provide one (1) off-street parking space for each two hundred (200) square feet of total floor area used for the home occupation. A maximum of six (6) off-street parking spaces are permitted on one (1) lot, inclusive of the required residential parking.

- (3) Instructional services. An instructional service is a home occupation in which the practitioner provides the client with special instruction in a specific area of study.
- (a) An instructional services home occupation shall be permitted when authorized by the Zoning Hearing Board as a special exception.
 - (b) A minimum lot area of one (1) acre shall be required for an instructional services home occupation.
 - (c) Instructional services involving a maximum of four (4) students at a time are permitted. In the case of musical instructions, no more than two (2) students at a time shall be permitted.
 - (d) No persons shall be employed other than resident members of the immediate family.
 - (e) In addition to the off-street parking spaces required in this chapter for the single-family detached dwelling, an instructional service shall provide one (1) off-street parking space per two (2) students being instructed at any one (1) time. A maximum of four (4) off-street parking spaces are permitted on one lot, inclusive of the required residential parking.
- (4) Family day care. A family day-care use is a facility in which care is provided for four (4) to six (6) children at any one (1) time, who are not relatives of the caregiver, where the child-care areas are being used as a family residence.
- (a) A family day-care use shall be permitted when authorized by the Zoning Hearing Board as a special exception.
 - (b) Prior to the final approval of the use by the Zoning Hearing Board and the issuing of a permit by the Zoning Officer, the applicant must obtain a registration certificate from the Department of Public Welfare, Bureau of Child Development Programs.
 - (c) This use shall be conducted in a building designed for residential occupancy and for the safety and well-being of the occupants.
 - (d) A minimum outdoor play area of two hundred (200) square feet of contiguous area shall be provided for each child. This area shall not include any impervious surface or parking areas.
 - (e) If a family day-care use is located adjacent to a nonresidential use, a parking lot or on a street classified as an arterial or collector road, the outdoor play area must be enclosed by a four foot (4') high fence which is deemed appropriate by the Township.

- (f) No more than one (1) person other than resident members of the immediate family may be employed.
 - (g) Parking standards. In addition to the off-street parking required for a single-family home, at least one (1) additional off-street parking space is required for each employee, plus one (1) space for the loading/unloading of children.
- (5) Group day-care home. A group day-care home is a facility in which care is provided for more than six (6) but no more than eleven (11) children, who are not relatives of the caregiver, where the child-care areas are being used as a family residence.
- (a) A group day-care home shall be permitted when authorized by the Zoning Hearing Board as a special exception.
 - (b) A minimum lot area of one (1) acre shall be required for a group day-care home.
 - (c) All standards noted above for family day care shall be met.
 - (d) The regulations of the Pennsylvania Department of Welfare and all statutes and ordinances of the Commonwealth of Pennsylvania and the Township shall be met.
 - (e) Prior to final approval of the use by the Zoning Hearing Board and the granting of a permit by the Zoning Officer, the applicant must obtain a license from the Department of Public Welfare, Bureau of Child Development Programs. Licensure is certification of compliance with Chapter H, Section 8C, of the Department of Public Welfare's Social Services Manual by this Department to the applicant subject to licensure under Article X of the Public Welfare Code.
- (6) Repair services. A repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines and other goods, but not including automobile, truck and motorcycle repairs.
- (a) A repair shop shall be permitted when authorized by the Zoning Hearing Board as a special exception.
 - (b) A minimum lot area of one (1) acre shall be required for a repair shop.
 - (c) No additional people other than resident members of the immediate family may be employed.
 - (d) In addition to the off-street parking spaces required in this chapter for the single-family detached dwelling, this accessory use shall provide one off-street space per two hundred (200) square feet of total floor area used for the home occupation.

(7) Home crafts.

(a) Home crafts are business activities whereby the commodity for sale is completely manufactured but shall not be sold on the site by the resident craftsman.

(b) Home crafts may include, but are not limited to, the following: artists, sculptors, dressmaking, seamstresses and tailors, and include such activities as model making, rug weaving, lapidary work and furniture making.

[1] No more than one (1) person other than resident members of the immediate family may be employed.

[2] In addition to the off-street parking spaces required in this chapter for the single-family detached dwelling, a home crafts business shall provide one (1) off-street parking space for each employee and one (1) off-street parking space for each business vehicle. A maximum of four (4) off-street parking spaces are permitted on one (1) lot, inclusive of the required residential parking.

(8) Trades. The use of a residence as a base of operation for the business. Trades for this home occupation include, but are not limited to: electrician, plumber, carpenter, mason, painter, roofer, and similar occupations.

(a) The area of the office and indoor storage for materials and equipment (excluding vehicles) shall not exceed the limitations of Subsection A(2) above.

(b) No manufacturing, processing or sales shall be conducted on the property.

(c) In addition to the off-street parking spaces required in this chapter for the single-family detached dwelling, a trades business shall provide one (1) off-street space for each employee and one (1) off-street parking space for each business vehicle. A maximum of six (6) off-street parking spaces are permitted on one (1) lot, inclusive of the required residential parking.

§ 500-2409. Outdoor storage and display.

Outdoor storage and display necessary but incidental to the normal operation of a primary nonresidential use shall be permitted, subject to the following additional provisions:

- A. These requirements shall not apply to nonresidential uses for which storage and display is the primary use of the land, such as motor vehicle sales establishments and nurseries.
- B. Outside storage and display areas for lumberyards, lawn and garden centers, truck terminals, flower shops, and agricultural retail uses may occupy an area of up to ten percent (10%) of the existing building coverage.
- C. Other primary nonresidential uses shall be permitted outside storage and display areas when authorized by the Zoning Hearing Board as a special exception, subject to the limitations of Subsection B above.
- D. No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no parking areas, and no part of the front yard shall be occupied by outside storage or display.
- E. Outside storage areas shall be shielded from view from public streets.

§ 500-2410. Garage and yard sales.

The temporary display and sale of goods, including personal vehicles titled to the legal owners of the property, and craft items on a residentially used property shall be permitted, subject to the following requirements:

- A. Except for the sale of personal vehicles, such temporary uses shall be limited to occurrences of not more than three (3) days. Such occurrences shall be limited to not more than two (2) occurrences in a calendar year. There shall be at least a six (6) month period between such occurrences.
- B. No goods or craft items shall be displayed within the right-of-way of roads.
- C. Vehicles offered for sale shall be displayed in a garage, driveway or the cartway of a street only. No more than five (5) vehicles shall be offered for sale in any one (1) calendar year in accordance with state law.
- D. Signs advertising garage or yard sales shall meet the requirements of Article XXVIII.
- E. No zoning permit shall be required for this use, provided the requirements of this section shall be met.

§ 500-2411. Temporary community event.

[Amended 5-25-1993 by Ord. No. 93-07]

A temporary activity, including, but not limited to, flea markets, public exhibitions, auctions, carnivals, circuses, air shows, tent meetings and similar events, shall be permitted, subject to the following provisions:

- A. Such temporary uses shall be limited to occurrences of not more than seven (7) days. Such occurrences shall be limited to not more than four (4) occurrences in a calendar year. There shall be at least a thirty (30) day period between such occurrences.
- B. Signs advertising a temporary community event shall meet the requirements of Article XXVIII of this chapter.
- C. The applicant shall provide the Zoning Officer with plans indicating the expected number of participants, proposed parking facilities, emergency access, road access, sanitary facilities, refuse collection, lighting facilities, noise control and cleanup after the event.
- D. Health licenses from the Bucks County Department of Health shall be obtained, if applicable.
- E. All other applicable ordinances of the Township shall be met, including Ordinance No. 87-12 (Chapter 141, Article II).^{lxxxixEN}
- F. Block parties are exempt from the requirements of this section.
- G. In addition to the above regulations, the following shall be complied with for carnivals and circuses only:
 - (1) Carnivals and circuses shall be permitted by conditional use only in the GB General Business and OC Office Campus Districts.
 - (2) The minimum lot area must be sufficient to accommodate the required yards (setbacks), parking and other selected activities. A minimum lot size of ten (10) acres is required. However, if approved by the Board of Supervisors, smaller attractions may be permitted on smaller lot sizes, but in no case shall lots be less than two (2) acres. This required area must be contiguous, vacant land without permanent buildings. The carnival or circus use may be accessory to a permitted use, provided that the minimum lot size is met in addition to the required lot area for the principal use.

- (3) The location of temporary structures (such as tents, booths, mechanical rides or amusements) shall meet the following setbacks.
 - (a) Public street line: one hundred (100) feet.
 - (b) Other property lines: seventy five (75) feet.
 - (c) Internal street line: fifty (50) feet.
 - (d) Along any adjacent property line zoned for or in residential or agricultural use, a one hundred fifty foot (150') setback shall be provided.
- (4) Parking.
 - (a) Off-street parking shall be provided with at least one (1) off-street parking space for every three (3) persons projected to attend the carnival or circus.
 - (b) To determine the adequacy of the above parking provision, the applicant shall provide the Board of Supervisors with plans indicating the number of expected participants, number and location of proposed parking spaces, the circulation pattern and emergency access. The Board shall determine whether the parking is sufficient.
- (5) Hours of operation shall be as follows:
 - (a) Monday through Thursday: 10:00 a.m. to 10:00 p.m.
 - (b) Friday and Saturday: 10:00 a.m. to 11:00 p.m.
 - (c) Sunday: 1:00 p.m. to 8:00 p.m.
- (6) The Township may impose any other conditions reasonable to protect the health, safety, welfare and property of the attendants or citizens of Middletown Township.
- (7) Permits required. A two-step permit procedure is required prior to the operation of a carnival or circus open to the general public.
 - (a) After conditional use approval is granted by the Board of Supervisors, a zoning permit shall be obtained for the initial set up of the carnival or circus. The applicant shall provide the Zoning Officer with plans indicating compliance with Subsections A through G, above, and any other conditions imposed by the Board of Supervisors.

- (b) A second permit, for occupancy, shall be obtained from the Zoning Officer prior to the actual operation of the carnival or circus open to the general public. The Zoning Officer/Building Inspector shall inspect the facilities to ensure compliance with the plans and any conditions attached by the Board of Supervisors prior to issuing an occupancy permit for operation.

§ 500-2412. Bus shelters.

[Added 3-23-1999 by Ord. No. 99-03]

Structures for utilization of persons waiting for a bus shall be permitted, subject to the following requirements:

- A. Consummation of an agreement with Middletown Township setting forth the respective responsibilities and duties of the bus shelter provider and Middletown Township. Said agreement shall contain a list of approved bus shelter sites and may be amended from time to time by the bus shelter provider and Middletown Township so as to delete certain bus shelter locations or increase the number of bus shelter locations throughout the Township.
- B. An approved bus shelter provider shall coordinate the location of all bus shelters with the Southeastern Pennsylvania Transportation Authority (SEPTA) and the Pennsylvania Department of Transportation (PennDOT). Applicable PennDOT permits and/or authorizations shall be supplied to the Township prior to installation of any bus shelter.
- C. Prior to installation of any bus shelter, the property owner(s) of the proposed site shall be notified by the bus shelter provider of the proposed bus shelter. The bus shelter provider shall also be required to obtain the written permission and/or consent of the property owner(s) of the proposed site and provide written notification to all adjacent property owner(s) within one hundred fifty feet (150') of the proposed site. Said written permission and/or consent forms from each property owner shall be provided to the Township prior to the installation of any bus shelter.
- D. All applications for installation of bus shelters in accordance with this section shall include renderings and schematics of the proposed bus shelter, including such structural details as shall be required to demonstrate compliance with the requirements of this chapter and all other ordinances of Middletown Township and all state and federal statutes, including, but not limited to, the construction codes which have been adopted by Middletown Township. No fees shall be charged for any applicable Township permits which are required prior to the installation of a bus shelter within Middletown Township.

- E. All bus shelters erected pursuant to this section shall be permitted to include a two-faced sign on one (1) side wall only. Signs erected in accordance with this section may not exceed twenty four (24) square feet per side for a total of forty eight (48) square feet. Signs erected in accordance with this section may be illuminated in accordance with the regulations set forth in Article XXVIII of this chapter of the Code of the Township of Middletown. All signs erected in accordance with this section shall comply in full with the regulations set forth in Article XXVIII, except with respect to location.
- F. All bus shelters shall be suitable in design for the community where such shelter shall be installed. Bus shelters shall be designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the community as determined by Middletown Township.
- G. Bus shelters shall be adequately lighted in such a manner as to provide visibility during darkness for patrons of the public transportation system. All artificial lighting used to illuminate any bus shelter shall be so designed that no direct rays shall fall upon any neighboring property or street. A minimum level of one (1) footcandle light shall be maintained.
- H. All bus shelters shall not interfere with the clear sight distances at intersections of roads as required by the zoning ordinances of Middletown Township or as may be required by PennDOT or other governmental entities having jurisdiction over such matters.
- I. All bus shelters shall be located at least three (3) feet from any paved cartway and/or curb edge.
- J. All bus shelters constructed on public sidewalks shall be located so that no less than a five foot (5') unobstructed walkway remains, either in front or behind the bus shelter.
- K. No bus shelter shall exceed a maximum floor area of sixty four (64) square feet, unless prior written permission is received from the Township to exceed a floor area of sixty four (64) square feet.
- L. Installation of bus shelters pursuant to this section shall be exempt from all setback requirements found in this chapter and may be installed within the public rights-of-way provided all of the requirements of this section are satisfied.

ARTICLE XXV, Nuisance Standards

§ 500-2501. Smoke.

No smoke shall be emitted from any chimney or other source of visible gray opacity greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines, except that, smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than four (4) minutes in any thirty (30) minute period.

§ 500-2502. Dust, fumes, vapors and gases.

- A. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is herewith prohibited.
- B. No emission of liquid or solid particles from any chimney or other source shall exceed three-tenths (0.3) grains per cubic foot of the carrying gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of five hundred degrees Fahrenheit (500° F.) and fifty percent (50%) excess air in stack at full load.

§ 500-2503. Heat.

No use shall produce heat perceptible beyond its lot lines.

§ 500-2504. Odor.

- A. No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty percent (50%) response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals," October, 1, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.
- B. Subsection A above shall not apply to odors normally created as part of an agricultural or horticultural use except that no animal waste produced off the property shall be stockpiled unless processed to eliminate all offensive odors.

§ 500-2505. Glare.

No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines. In general, lighting fixtures that shield the reflector or lens or any high brightness surface from viewing angles above sixty degrees (60°) from horizontal shall be utilized.

§ 500-2506. Vibrations.

No use shall cause earth vibrations or concussions in excess of the standards outlined below, with the exception of that vibration produced as a result of construction activity. The standards below are set forth in the Table of Frequency Amplitude Relations. Vibration shall be expressed as displacement in inches and shall be measured with a standard three (3) component measuring system, which is a device for recording the intensity of any vibration in three mutually perpendicular directions.

Frequency of Ground Motion in Cycles per Second	Maximum Amplitude of Ground Motion in Inches, Not More Than
Up to 10	0.0305
20	0.0153
30	0.0102
40	0.0076
50	0.0061
60	0.0051

§ 500-2507. Storage and waste disposal.

[Amended 3-23-1999 by Ord. No. 99-04]

The following requirements shall apply to all land uses:

- A. No highly flammable or explosive or toxic liquids, solids or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connected with energy devices, heating devices or appliances located and operated on the same lot as the tank or drums of fuel. This provision shall not apply to fuel storage and distribution uses permitted in the M-1 District.
- B. Storage of flammable or combustible materials and fuels shall meet the standards of the National Fire Protection Association (NFPA 58), Pennsylvania State Police, Fire Marshal Division (Chapters 11 and 13 of Title 37 of the Pennsylvania Code), applicable Building Officials and Code Administrators (BOCA) standards, as

adopted by the Township,^{xcEN} and if stored below ground, the standards of the Pennsylvania Department of Environmental Protection. Prior to the issuance of a zoning permit, approval from the Township Fire Marshal must be obtained.

- (1) Residential land uses. No tank or drum of fuel oil or compressed gases (other than those directly connected with energy and heating devices or appliances) shall be located closer than twenty five feet (25') to any building or lot line or fifty feet (50') from any street line. Outdoor storage facilities shall be enclosed by an approved safety fence which is adequate to provide security for either the storage tank or property. Such fence shall not exceed six feet (6') in height. The storage tank shall be shielded from view of adjoining residences by either plant material, fencing, building walls or other such materials as may be acceptable to the Zoning Officer. Hedge and shrub plant materials permitted by § 500-2605F of this chapter, which are acceptable to the Fire Marshal with regard to location and type of plant, shall be used to create a visual screen when determined to be necessary by the Zoning Officer to carry out the screening intent of this chapter.
 - (2) Nonresidential land uses. All outdoor storage facilities for fuel, raw materials and products, and all fuel, raw materials and products stored outdoors, shall be protected from encroachment and enclosed by an approved safety fence with a minimum height of seven feet (7'). The storage facility must comply with all applicable yard setbacks and buffer requirements specified for the district. Storage facilities which are located adjacent to residential uses shall be required to shield the storage tanks from view by a planted screen or other materials that are acceptable to the Zoning Officer and Fire Marshal to form a visual screen. Fuel storage and distribution uses shall also comply with all requirements of the M-1 District.
- C. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life be allowed to enter any stream or watercourse.
- D. All materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.
- E. Radioactivity and electrical disturbance. There shall be no activity which emits dangerous or harmful radioactivity. There shall be no electrical disturbance adversely affecting the operation of any equipment beyond the property line of the creator of such disturbance.

ARTICLE XXVI, Natural Resource Protection Standards; Open Space and Buffers

§ 500-2601. Natural resource protection standards.

[Amended 12-1-1992 by Ord. No. 92-13; 3-1-1994 by Ord. No. 94-02]

All uses and activities established after the effective date of this chapter shall comply with the following standards. Site alterations, regrading, filling or clearing of any natural resources prior to the submission of applications for zoning or building permits or the submission of plans for subdivision or land development shall be a violation of this chapter. In the event that two (2) or more resources overlap, the resource with the greatest protection standard (the least amount of alteration, regrading, clearing or building) shall apply to the area of overlap. The following natural resources shall be protected:

- A. Floodplain. Areas identified as within the floodplain of the one hundred (100) year recurrence interval flood shall not be altered, regraded, filled or built upon except in conformance with § 500-2603, Floodplain regulations, of this chapter. For areas designated as "approximate one hundred (100) year floodplain" along streams and watercourses where the one hundred (100) year floodplain (with a floodway and flood-fringe) has not been delineated, the requirements of floodplain soils shall be met. Minor road crossings may be permitted in the floodplain where design approval is obtained from the Township and the Pennsylvania Department of Environmental Protection and where no other reasonable access is available.
- B. Floodplain soils. All such areas shall not be altered, regraded, filled or built upon except in conformance with § 500-2603, Floodplain regulations, of this chapter. Minor road crossings may be permitted in floodplain soils where design approval is obtained from the Township and the Pennsylvania Department of Environmental Protection and where no other reasonable access is available. Floodplain soils shall not be used where the one hundred (100) year floodplain (with a floodway and flood-fringe) has been delineated.
 - (1) Studies prepared by a registered engineer or expert in the preparation of hydrological studies may be used to delineate the one hundred (100) year floodplain with a floodway and flood-fringe in place of areas designated as "floodplain soils" and "approximate one hundred (100) year floodplain." Such hydrological studies shall be subject to the review and approval of the Board of Supervisors on the recommendation of the Township Engineer.

- C. Steep slopes. In areas of steep slopes, the following standards shall apply:
- (1) Eight percent (8%) to fifteen percent (15%). No more than fifty percent (50%) of such areas shall be altered, regraded, cleared or built upon.
 - (2) Fifteen percent (15%) to twenty five percent (25%). No more than thirty percent (30%) of such areas shall be altered, regraded, cleared or built upon.
 - (3) Twenty-five percent (25%) or steeper. No more than fifteen percent (15%) of such areas shall be altered, regraded, cleared or built upon.
 - (4) Areas of steep slope that are less than three thousand (3,000) square feet shall be exempted from these standards.
- D. Woodlands. The following standards shall apply to woodlands:
- (1) Woodlands in Environmentally sensitive areas. No more than twenty percent (20%) of woodlands located in environmentally sensitive areas shall be altered, regraded, cleared or built upon. Environmentally sensitive areas shall include floodplains, floodplain soils, steep slopes, wetlands, wetland margins and lake or pond shorelines.
 - (2) Other woodland areas. No more than fifty percent (50%) of woodlands which are not located in environmentally sensitive areas [as defined in Subsection D(1), above] shall be altered, regraded, cleared or built upon. However, where more than twenty percent (20%) of such woodlands are altered, regraded, cleared or built upon, the following requirements shall be met:
 - (a) The woodland area removed in excess of twenty percent (20%) shall be replaced at a rate of one hundred (100) trees per acre.
 - (b) Several species of trees shall be utilized and all trees shall be two and one-half (2.5) inches caliper minimum. The replanted trees shall be similar in species to the trees that were removed.
 - (c) Trees shall be planted in a random pattern forming continuous canopies; at least one-half ($\frac{1}{2}$) of the required replacement trees shall be planted in one (1) continuous canopy.
 - (d) Replanting shall be done in accordance with a plan prepared by a licensed landscape architect. The replanting plan shall be approved by the Middletown Township Planning Commission and the Board of Supervisors.
 - (e) Replanting shall occur on site. However, the Board of Supervisors may permit trees to be replanted off site on another property within Middletown Township, where on-site replanting is deemed impractical.

- (f) All tree replanting areas shall be deed restricted from future tree removal.
 - (g) Buffer plantings and landscaping required by this chapter or the Subdivision and Land Development Ordinance (Chapter 440) shall not be counted towards meeting this replanting requirement; however, replacement trees may be planted in buffer yards to supplement the required buffer plantings.
- E. Tree protection zone. Such areas shall not be altered, regraded, compacted or built upon, nor used for storage or parking of vehicles.
- F. Watercourses. Such areas shall not be altered, regraded, filled, piped, diverted or built upon except where design approval is obtained from the Township and, if required, the Pennsylvania Department of Environmental Protection.
- G. Wetlands. Such areas shall not be altered, regraded, filled, piped, diverted or built upon except where state and federal permits have been obtained.
- (1) Delineation.
 - (a) Wetlands boundaries shall be delineated through an on-site assessment, which shall be conducted by a professional soil scientist or others of demonstrated qualifications. Such a person shall certify that the methods used correctly reflect currently accepted technical concepts, including the presence of wetlands vegetation, hydric soils and/or hydrologic indicators. A study shall be submitted with sufficient detail to allow a thorough review by the Township. The study must be approved by the Board of Supervisors on the recommendation of the Township Engineer.
 - (b) In the event that a wetlands delineation validated by the U.S. Army Corps of Engineers is shown to vary from the wetlands boundary derived from Subsection G(1)(a), above, the Corps' delineation will govern.
 - (2) Federal and state regulations. In addition to the requirements above, any applicant proposing a use, activity or improvement which would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental Protection (Bureau of Dams and Waterway Safety and Bureau of Water Quality Management) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations.

- H. Wetlands margin. No more than twenty percent (20%) of such areas shall be altered, regraded, filled or built upon. In addition, any Department of Environmental Protection' regulations under Chapter 105, concerning activities in wetlands margins, shall be met.^{xcien}
- (1) For the purposes of this chapter, the wetlands margin shall extend one hundred feet (100') from the wetland boundary or to the limit of the hydric soils, whichever is less. The limit of hydric soils shall be as mapped in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, U.S. Department of Agriculture, Natural Resources Conservation Service, July 1975, unless reclassified by a certified soil scientist.
- I. Lakes and ponds. Such areas shall not be altered, regraded, filled, piped, diverted or built upon.
- J. Lake and pond shorelines. For the purposes of this chapter, lake and pond shorelines shall be measured one hundred feet (100') from the spillway crest elevation. No more than twenty percent (20%) of such areas shall be altered, regraded, filled or built upon.

§ 500-2602. Application of natural resource protection standards.

- A. Plan information. In order to meet the natural resource protection standards of § 500-2601 of this chapter, the following information is required to be provided with an application for a subdivision or land development plan:
- (1) A site plan which illustrates all natural resources on the site and the proposed use on the site.
- (2) All encroachments and disturbances necessary to establish the proposed use on the site.
- (3) Calculations which indicate the area of the site with natural resources and the area of natural resources that would be disturbed or encroached upon.
- B. Building envelopes. The building envelope is that area of a lot that has no development restrictions. The building envelope shall not include the area of any required setbacks (except for driveways which would cross yards), buffer yards, natural features with one-hundred-percent protection standard and the portion of those natural features that may not be developed or intruded upon as specified in § 500-2601 of this chapter. The purpose of the identification of a building envelope is to provide sufficient area for the general location of the building, driveway, patio, other improvements and site alterations while meeting the natural resources protection standards and minimum setback requirements of this chapter.

- (1) Within any proposed subdivision, all residential lots shall have a contiguous building envelope of at least an area as indicated below:

Zoning District	Minimum Building Envelope (square feet)
RA-1	7,000
RA-2	6,000
RA-3	5,000
R-1	3,500
R-2	3,500
R-3	2,800

- C. Deed restrictions. For subdivision and land development plans, restrictions meeting Township specifications must be placed in the deed for each site or lot that has natural resource protection areas within its boundaries. The restrictions shall provide for the continuance of the resource protection areas in accordance with the provisions of this chapter. Natural resource protection areas may be held as common open space in accordance with the requirements of § 440-423(D) of the Middletown Township Subdivision and Land Development Ordinance (Chapter 440) or in the ownership of individual property owners. For this latter form of ownership, it shall be clearly stated in the individual deeds that the maintenance responsibility lies with the individual property owner.

§ 500-2603. Floodplain regulations.

[Amended 8-16-2000 by Ord. No. 00-09]

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, substantially improved or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this chapter and all other applicable codes and ordinances such as the Middletown Township Subdivision and Land Development Ordinance (Chapter 440) and the Middletown Township Building Code (Chapter 190, Article II). Zoning and building permits shall be required before any construction or development is undertaken within any area of the Township. In addition, all such uses, activities and development shall be undertaken only in compliance with federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

- A. Purpose. The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and to protect the tax base by:
- (1) Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.
 - (2) Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.
 - (3) Requiring all those uses, activities and development that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
 - (4) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- B. Warning and disclaimer of liability.
- (1) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages.
 - (2) This chapter shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
- C. Floodplain classification.
- (1) Establishment of floodplain. The floodplain shall include those areas subject to inundation by water of the one hundred (100) year flood. The basis for this delineation shall be the Flood Insurance Study (FIS) for Middletown Township, Bucks County, Pennsylvania, prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, dated June 1979, and the accompanying Flood Boundary and Floodway Map, dated May 18, 1999, for areas designated floodway and flood-fringe or as delineated in the most recently adopted Flood Insurance Rate Map Study.

- (2) Definitions. For the purposes of this section, the following words shall have the meanings indicated herewith:

MANUFACTURED HOME -- A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) units designed to be joined into one (1) integral unit, capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

MANUFACTURED HOME PARK -- A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for nontransient use.

SUBSTANTIAL IMPROVEMENT -- Any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

- (3) Boundary definition.

(a) Responsibility for boundary definition. Any applicant for a building permit, preliminary subdivision plan approval or land development plan approval on land in Middletown Township which lies within or partially within the floodplain shall be required to have the area of the floodplain on the subject land defined by a registered professional engineer or land surveyor and shall show such floodplain areas on plans submitted with his application.

(b) Approximate one hundred (100) year floodplain areas and floodplain soil areas. The applicant for a proposed use, development or activity in approximate one hundred (100) year floodplain areas and floodplain soils areas shall have the opportunity to determine flood profiles and elevations, thereby identifying the floodway and flood-fringe areas, in accordance with hydrologic engineering techniques, as follows:

[1] For all areas within one hundred feet (100') of a watercourse, including its bed and banks, the applicant shall provide sufficient documentation to demonstrate that the proposed activity, together

with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the one hundred (100) year flood at any point. The method of determination of increase in flood heights shall be at the discretion of the Township Engineer.

[2] Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. The study must be approved by the Board of Supervisors upon the advice of the Township Engineer.

(c) District boundary changes. The delineation of the floodplain may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, the Delaware River Basin Commission, or other qualified agency or individual documents the need for such change. However, prior to such change, approval must be obtained from the Federal Insurance Administration.

D. Use regulations.

(1) The following uses and no others shall be permitted on land in the floodplain where such uses are permitted in the zoning district applicable to such lands:

- (a) Tilling of the soil, grazing, pasturing.
- (b) Forestry and wood production, excluding storage and mill structures.
- (c) Flower and vegetable gardening, outdoor plant nurseries.
- (d) Parks, playgrounds and golf courses, exclusive of buildings.
- (e) Outlet installations for public sewage treatment plants.
- (f) Utility easements.
- (g) Water intakes, subject to pertinent regulations of the Pennsylvania Department of Environmental Protection.
- (h) Outlet installations for private and industrial wastewater treatment plants.
- (i) Quarrying, sand pit, gravel pit.

- (2) Applications for any of the above-listed uses or any other development shall be submitted to the Township for its approval.
- (3) None of the uses or development activity listed above shall be permitted in the floodway portion of the Floodplain District unless the effect of the proposed activity or development on flood heights is fully offset by accompanying stream improvements.

E. Area and design requirements.

- (1) Lot area. For purposes of application of regulations for minimum lot area, maximum building coverage, maximum impervious surface ratio and other area and dimensional requirements of this chapter, land in the floodplain shall be excluded from lot area.
- (2) Site area. For purposes of application of regulations for minimum site area, maximum density, maximum impervious surface ratio and other area and design requirements of this chapter, land in the floodplain shall be excluded from base site area.

F. Existing structures.

- (1) Any existing structure which is to undergo substantial improvement and which is located in the floodplain shall be designed and constructed in accordance with the W1 or W2 floodproofing classes contained in the publication. Flood-Proofing Regulations, U.S. Army Corps of Engineers, June 1972. Said structure shall also be firmly anchored to prevent flotation, collapse and lateral movement.
- (2) No expansion or improvement of an existing structure shall be allowed in the floodway portion of the Floodplain District unless the effect of the proposed development on flood heights is fully offset by accompanying stream improvements.

G. Development which may endanger human life. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than five hundred fifty [550] gallons or other comparable volume or any amount of radioactive substances) of any of

the following dangerous materials or substances on the premises, shall not be permitted in the floodplain:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel, oil, etc.)
- Phosphorous
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated

H. Prohibited activities in the floodplain. The construction, placement, enlargement or expansion of any structure used or intended to be used for any of the following activities shall be prohibited within any identified floodplain area:

- (1) Hospitals.
- (2) Nursing homes.
- (3) Jails or prisons.
- (4) Manufactured homes and manufactured home parks.

I. General floodplain regulations.

- (1) Installation of fill materials. Fill may be placed within the limits of the floodplain, subject to the following conditions:
 - (a) Fill shall consist of soil or rock materials only.
 - (b) Satisfactory evidence shall be submitted indicating that the cross-sectional area of the floodplain will not be reduced.
 - (c) Satisfactory evidence shall be submitted indicating that there will be no increase in the potential flood height or increase in flood velocity at, above or below the site due to the proposed fill.

- (d) Permission has been obtained for the proposed fill from the Division of Dams and Encroachments of the Pennsylvania Department of Environmental Protection pursuant to the state regulations of water obstructions and from the Township Engineer.
- (2) Obstructions. The following shall not be placed in any stream channel or floodplain:
 - (a) Fences, except two-wire fences.
 - (b) Other structures or other matter which may impede, retard or change the direction of the flow of water in such stream channel or floodplain, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or floodwaters would carry the same downstream to the damage or detriment of property adjacent to the stream or floodplain.
- (3) State regulations. No encroachment into or alteration or relocation of any watercourse shall take place unless a permit has been secured from the Pennsylvania Department of Environmental Protection, Bureau of Dam Safety, Obstructions and Stormwater Management, and notification of the proposed alteration, encroachment or relocation has been given to all adjacent communities, and copies of the notification(s) have been sent to the Pennsylvania Department of Community and Economic Development and the Federal Insurance Administration.
- (4) For any new structure or substantially improved structure located on a parcel, if that parcel is located in part or in whole within the floodplain, then, upon completion of construction, there shall be filed with the Township Zoning Officer a flood elevation certificate, prepared by a licensed engineer and/or licensed surveyor, and an as-built plan showing the structure on the parcel with vertical datum and elevations.^{xciiEN}

J. Disposition.

- (1) Land in the floodplain classification may be:
 - (a) Included in the property area of any lot or site held in or proposed for private ownership, provided the lot area of any land not in such classification shall equal or exceed the minimum lot area or site area requirements set forth by this chapter for such lot or site, unless the subject land has been reclaimed in accordance with Subsection H above.
 - (b) Offered for dedication to the Township, county or other public entity or agency thereof for uses permitted by this chapter on such land.

- (c) Placed in ownership of nonprofit homeowners' or property owners' associations, condominium or cooperative corporation or other such agency as may be approved by the Supervisors under the provisions of this chapter.
 - (2) Restrictions on nonpublic ownership. Covenants shall be recorded with the deeds to land in the floodplain classification to be held in other than public ownership permitting the municipality, after proper legal notice, to enter on such land to perform maintenance or rehabilitation work on any drainage or erosion control facility thereon which the owner of such land has failed to perform and to lien the property for the cost of such work.
- K. Variances. If compliance with any of the requirements of this section would result in an exceptional hardship for a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:
- (1) No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
 - (2) No variance shall be granted for any of the requirements pertaining to § 500-2603(G), Development which may endanger human life, or § 500-2603(H), Prohibited activities.
 - (3) If granted, a variance shall involve only the least modification necessary to provide relief.
 - (4) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this chapter.
 - (5) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - (a) The granting of the variance may result in increased premium rates for flood insurance.
 - (b) Such variances may increase the risks of life and property.
 - (6) In reviewing any request for a variance, the Zoning Hearing Board shall consider, but shall not be limited to, the following:
 - (a) That there is good and sufficient cause.

- (b) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (c) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimize the public, or conflict with any other applicable state statute or regulation, or local ordinance or regulation.
- (7) A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
- (8) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

§ 500-2604. Open space and recreation space requirements.

[Amended 5-29-2007 by Ord. No. 07-07]

Residential developments shall provide areas of open space and recreation space as required by this chapter and as required by § 440-424, Recreation areas and community facilities, of the Middletown Township Subdivision and Land Development Ordinance (Chapter 440). This required open space and recreation space shall meet the following standards:

- A. Open space and recreation space shall not include land occupied by nonrecreational buildings or structures, roads or road rights-of-way, easements, parking lots for nonrecreational uses, land reserved for future parking lots for nonrecreational uses, or stormwater detention basins or retention basins; nor shall it include the yards or lots of dwelling units.
- B. The open space and recreation space shall be laid out in accordance with the best principles of site design. It is intended that the open space and recreation space shall be as close to all residences as possible, with greenways and paths leading to major recreation spaces. Major recreation areas shall be located to serve all residents. The open space and recreation space is most needed in areas of highest density. The intent is to provide open areas as close to the individual unit as possible.
- C. Active recreation land. While some of the open space and recreation space may be required for resource protection, it is intended that a portion of the open space be usable for active recreation. Therefore, at least one-half ($\frac{1}{2}$) of the required open

space or recreation space shall not be restricted by natural resources, as defined in § 500-2601. The following standards shall apply to the design of the active recreation land:

- (1) Areas set aside for active recreation shall be of adequate size and configuration to accommodate the intended use. The active recreation land shall not include narrow or irregular pieces of land which are remnants from lotting or the layout of streets and parking areas.
 - (2) If the amount of required active recreation land is twenty five thousand (25,000) square feet or less, the active recreation land shall be provided as one (1) contiguous area. If the amount of required active recreation land is greater than twenty five thousand (25,000) square feet, the active recreation land may be divided into several areas; however, each such area shall be at least twenty five thousand (25,000) square feet in size and shall be contiguous.
 - (3) In general, the depth of the active recreation land shall not be less than one (1) nor more than two and one-half (2.5) times its width.
 - (4) The slope of the active recreation land shall not exceed two percent (2%). Compliance with this slope requirement may be achieved through regrading, in keeping with applicable natural resource protection standards.
 - (5) At least one side of the active recreation land shall abut a street for a minimum distance of fifty feet (50').
 - (6) Active recreation land shall not be traversed by utility easements unless said utilities are placed underground and no part of them or their supportive equipment protrudes above ground level.
- D. A method of physically delineating private lots from common open space and recreation space areas shall be provided. Such method may include shrubbery, trees, markers or other method acceptable to the Township.
- E. The type of facilities to be provided and the extent of proposed improvements shall be noted on the plans, including a planting plan and schedule.
- F. Each developer shall provide a plan or other material as required to establish the method by which open space shall be perpetuated, maintained, and administered. Such plan or other material shall meet the requirements of § 440-423, Open space in subdivisions, residential developments and mobile home parks, of the Middletown Township Subdivision and Land Development Ordinance (Chapter 440). The plan and other materials shall be construed as a contract between the landowner(s) and the municipality and shall be noted on all deeds.

- G. All impervious surfaces within open space and recreation areas shall be countable as part of the total impervious surface ratio for the development.
- H. The open space and recreation space shall be consistent with the recommendations of the Middletown Township Recreation, Parks and Open Space Plan, as amended.

§ 500-2605. Buffer yards.

[Amended 12-1-1992 by Ord. No. 92-13; 3-1-1994 by Ord. No. 94-02]

Buffering serves to soften the outline of buildings, to screen glare and to create a visual and/or physical barrier between conflicting land uses. Where a buffer yard is required by the terms of this chapter, it shall comply with the following standards.

A. Required buffers.

- (1) Residential uses. New residential developments which abut existing nonresidential uses or districts shall be required to provide a seventy five foot (75') wide buffer yard.
- (2) OR Open Recreation District. Any lot or parcel which abuts an OR Open Recreation District shall provide a minimum one hundred foot (100') wide buffer yard measured from the property line or the street line.
- (3) A-O Apartment-Office District. For purposes of meeting the buffer yard requirements of the chapter, vacant land zoned A-O Apartment-Office District shall be considered zoned for residential use.

B. Existing buffer. All existing deciduous and coniferous trees larger than two (2) inches in caliper and/or six feet (6') in height may be considered to contribute to the definition of an existing buffer on the property. In all cases, existing plant material of the above caliper and height shall be preserved in any buffer yard except where clearance is required to ensure adequate sight distance. Any removal shall, where feasible, involve relocation rather than clearing.

C. Plant material. All buffer yards shall include a dense screen planting of trees, shrubs and hedges. Such screen planting shall be in accordance with the following:

- (1) Buffer yards required for the C, CS, GB and M-1 Zoning Districts shall meet one (1) of the following planting options.
 - (a) Option 1: one (1) canopy tree per forty feet (40'); plus one (1) evergreen tree per twenty feet (20'); plus one (1) shrub per four (4) feet.

- (b) Option 2: one (1) flowering tree per forty feet (40'); plus one (1) evergreen tree per twenty feet (20'); plus one (1) evergreen hedge on lot line (three [3]foot centers except as noted in § 500-2605F).
 - (c) Option 3: one (1) flowering tree per forty feet (40') plus; one (1) evergreen tree per twenty feet (20'); plus one (1) berm four feet (4') high.
- (2) Buffer yards required for zoning districts or uses other than as specified in Subsection C(1) above shall meet one (1) of the following planting options:
 - (a) Option 1: one (1) canopy tree per forty feet (40'); plus one (1) flowering tree per sixty feet (60'); plus one (1) evergreen tree per sixty feet (60').
 - (b) Option 2: one (1) canopy tree per forty feet (40'); plus one (1) flowering tree per sixty feet (60'); plus one (1) evergreen hedge on lot line (three [3] foot centers except as noted in § 500-2605F).
 - (c) Option 3: one flowering tree per 40 feet; plus one evergreen tree per 25 feet.
- (3) For each planting option, any of the plant materials outlined in § 500-2605F may be utilized. Minimum plant size, given either in height or in caliper, is indicated in this section. The Middletown Township Planning Commission may permit other plant types if they are hardy to the area, are not subject to blight or disease and are of the same general character and growth habit as those listed in § 500-2605F. All plant material shall meet the standards of the American Association of Nurserymen.
- (4) The screen planting shall provide an effective barrier to noise, visibility, airborne particles and glare and shall be approved by the Middletown Township Planning Commission.
- (5) The screen planting shall be maintained permanently (and any plant material which does not live shall be replaced within one [1] year).
- (6) The screen planting shall be so placed that at maturity it will not be closer than five feet (5') to any street or property line.
- (7) The screen planting shall comply with § 500-2308, Traffic visibility across corners.
- (8) All berms shall have slopes less than four (4) horizontal to one (1) vertical.
- (9) The screen planting shall be broken only at points of vehicular or pedestrian access.

- (10) Planting design. It is encouraged that plant materials in buffer yards be planted in natural clusters that will give privacy but do not block views or vistas. The exception shall be commercial or industrial uses bordering residential uses. Here a dense, visual screen is required.

D. General requirements.

- (1) The buffer yard may overlap the required front, side or rear yards and, in case of conflict, the larger yard requirements shall apply.
- (2) All buffer yards shall be maintained and kept clean of all debris, rubbish, weeds and tall grass.
- (3) No structure, manufacturing or processing activity, parking or storage of materials shall be permitted in the buffer yard.

E. Exemptions. No screen shall be required along arterial streets and railroad rights-of-way which form district boundary lines, provided that:

- (1) The front of the building faces the boundary line.
- (2) No outdoor manufacturing or processing activity (other than delivery and shipment of materials) and no outdoor storage of materials shall be so located as to be visible from the adjacent agricultural, residential or recreational uses or districts.

F. Plant materials list.

- (1) Canopy trees (two inch [2"] caliper minimum).

Acer ginnala -- Amur maple
Acer platanoides - Norway maple
Acer rubrum - Red maple
Acer saccharum - Sugar maple
Betula alba - European white birch
Fagus grandifolia - American beech
Fagus sylvatica - European beech
Fraxinus americana - White ash
Fraxinus pennsylvanica lanceolata - Green ash
Ginkgo biloba - Ginkgo (male only)
Gleditsia triacanthos inermis - Thornless honey locust
Liquidambar styraciflua - Sweet gum
Liriodendron tulipifera - Tulip poplartree
Phellodendron amurense - Amur corktree
Platanus acerifolia - London planetree
Quercus alba - White oak
Quercus rubra - Red oak
Qercus coccinea - Scarlet oak

Quercus palustris - Pin oak
Quercus phellos - Willow oak
Robinia pseudoacacia (inermis) - Thornless black locust
Sophora japonica - Japanese pagoda tree
Tilia - Linden, all species hardy to the area
Zelkova serrata - Japanese zelkova

(2) Flowering trees (two inch [2"] caliper minimum).

Amerlanchier canadensis - Shadblow serviceberry
Cornus florida - Flowering dogwood
Cornus kousa - Kousa dogwood
Cornus mas - Cornelian-cherry dogwood
Crataegus phaenopyrum - Washington hawthorn
Koelreuteria paniculata - Golden rain tree
Laburnum vossi - Golden Chain Tree
Magnolia x soulangiana - Saucer magnolia
Magnolia virginiana - Sweetbay magnolia
Malus baccata - Siberian crabapple
Malus floribunda - Japanese flowering crabapple
Malus hopa - Hopa flowering crabapple
Oxydendrum arboreum - Sourwood
Pyrus calleryana bradford - Callery pear
Prunus serrulata - Kwanzan cherry
Prunus x yedoensis - Yoshino cherry

(3) Evergreen trees (four feet [4'] high minimum).

Ilex opaca - American holly
Picea abies - Norway spruce
Picea omorika - Serbian spruce
Picea pungens - Colorado spruce
Pinus nigra - Austrian pine
Pinus strobus - White pine
Pseudotsuga menziesii - Douglas fir
Tsuga canadensis - Canada hemlock

(4) Hedge (four feet [4'] high minimum).

Crataegus intricata - Thicket hawthorn
Forsythia x intermedia - Border forsythia
Rhamnus fraxula columnaris - Tallhedge buckthorn
Syringa x chinensis - Chinese lilac
Syringa vulgaris - Common lilac

(5) Evergreen hedge (four feet [4'] high minimum).

Juniperus virginiana - Upright juniper
Pinus strobus - White pine (1 per 5 feet)
Pyracantha lalandi - Laland firethorn
Taxus cuspidata - Upright yew
Taxus hicksi - Hicks yew
Tsuga canadensis - Canadian hemlock (1 per 5 feet)

(6) Shrubs (three feet [3'] high minimum).

Juniperus virginiana - Upright juniper
Pyracantha lalandi - Laland firethorn
Taxus capitata - Upright yew
Taxus hicksi - Hicks yew
Thuja occidentalis - American arborvitae

(7) Shrubs (four feet [4'] high minimum).

Euonymus alatus - Winged euonymus
Hamamelis vernalis - Vernal witchhazel
Hamamelis virginiana - Common witchhazel
Ilex verticillata - Winterberry
Rhamnus frangula - Glossy buckthorn
Viburnum dentatum - Arrowwood viburnum
Viburnum lantana - Wayfaringtree viburnum

ARTICLE XXVII, Off-Street Parking Regulations

§ 500-2701. Definitions.

Unless a contrary intention clearly appears, the following words and phrases shall have, for the purposes of this chapter, the meanings given below:

DWELLING UNIT -- A room or group of rooms located within a building and forming a single, habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating, but shall not include tourist homes, cabins, lodging houses, hotels, motels or other similar places offering overnight accommodations for transients.

EXTENSION, MAJOR REPAIRS or SUBSTANTIAL ALTERATIONS -- Reconstruction activities which increase the intensity of use of a structure by an addition or additions of employees, dwelling units, floor area, seating capacity or any other unit of measurement.

OFF-STREET LOADING SPACE -- An on-the-property space for the standing, loading and unloading of vehicles to avoid undue interference with the public use of streets and alleys.

OFF-STREET PARKING SPACE -- An area on a lot used for parking a vehicle, to which there is access from a street.

SEATS -- The seating capacity of a particular building as determined by the specifications and plans and filed with the Zoning Officer. In the event individual seats are not provided, each twenty inches (20") of benches or similar seating accommodations shall be considered as one (1) seat for the purpose of this chapter.

TOWNSHIP SPECIFICATIONS -- Specifications duly adopted by the Board of Supervisors by formal resolution for a specific purpose, copies of which are available to the general public at the office of the Township Manager.

§ 500-2702. Off-street parking required.

[Amended 8-18-1992 by Ord. No. 92-8; 2-11-1997 by Ord. No. 97-01; 5-20-2008 by Ord. No. 08-05]

In the use of land for residential, commercial, industrial or any other purpose, no residential, commercial, industrial or any other building or structure shall be erected and no major repairs made to an existing residential, commercial, industrial or any other building or structure unless there already is in existence upon the lot or unless provision

is made for the location on the lot concurrently with such erection or major repairs off-street parking spaces on the basis of the following minimum requirements. These requirements shall not apply where another part of this chapter specifies a greater parking requirement for a particular use. All driveways shall be constructed of a durable material with a finished surface such as asphalt, concrete, or brick.

- A. Dwellings, including single-family, two-family and multifamily residences, townhouse, apartments and all other similar structures devoted to habitation: at least two off-street parking spaces for each dwelling unit. All off-street parking areas in the RA-1, RA-2, RA-3, R-1, R-2 and R-3 Districts shall be located at least twelve feet (12') from the side yard property line or shall meet the required side yard setback, whichever is less, or shall meet the requirements of the Middletown Township Subdivision and Land Development Ordinance (Chapter 440).
- B. Hotels, including clubs, lodging houses, tourist homes and cabins, motels, camps and parks, boardinghouses and rooming houses: at least one (1) off-street parking space for each guest room. If, in addition to those spaces provided for guests, patrons or residents of the above-named places, assembly halls, bars, restaurants, night clubs, retail shops or rooms for other shops, service establishments or businesses are provided, additional off-street parking spaces shall be required in accordance with the regulations set forth herein for such uses. Dormitories, sororities, fraternities and all other similar places: at least one (1) off-street parking space for each five (5) beds.
- C. Hospitals, including convalescent homes, homes for the aged and infirmed, and all other similar institutions: at least one (1) off-street parking space for each patient bed, plus at least one (1) additional off-street parking space for each employee (including nurses). Sanitariums, asylums, orphanages: at least one (1) off-street parking space for each five (5) patient beds, plus at least one (1) additional off-street parking space for each staff and visiting doctor, plus at least one (1) additional off-street parking space for each employee (including nurses).
- D. Restaurants, including bars, taverns, nightclubs, lunch counters, diners and all other similar eating and/or drinking establishments: at least one (1) off-street parking space for each fifty (50) square feet of total floor area. Where restaurants are located on the same lot with a shopping center or part of a shopping center development or easements exist for the use of parking on a shopping center lot, the requirement shall be as set forth in Article XXVII, § 500-2702G.
- E. Theaters, including motion picture houses: at least one (1) off-street parking space for each four (4) seats provided for patron use.
- F. Places of public assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodation; assembly halls, bowling alleys, sports arenas, stadiums, gymnasiums, amusement parks, racetracks, fairgrounds, circus

grounds, churches, funeral homes and mortuaries, community centers, libraries, museums, and all other similar places of relatively infrequent public assembly: at least 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 total floor area used or intended to be used for service to the public as customers, patrons or clients, whichever requires the greater number of parking spaces.

G. Retail establishments.

(1) Retail establishments, including personal service shops, equipment or repair shops, gasoline or other motor fuel stations, motor vehicle repair establishments, all retail stores and businesses and banks or other financial and lending institutions: at least one (1) off-street parking space for each one hundred twenty five (125) square feet of total floor area used or intended to be used for service to the public as customers, patrons and clients, plus at least one (1) off-street parking space for each employee of such establishments.

(2) Two (2) or more such uses located on the same lot shall provide the following minimum number of parking spaces:

(a) Up to twenty five thousand (25,000) square feet of gross leasable area: five and one-half (5.5) spaces per one thousand (1,000) square feet of gross leasable area.

(b) From twenty five (25,000) square feet of gross leasable area to one hundred thousand (100,000) square feet of gross leasable area: five (5) spaces per one thousand (1,000) square feet of gross leasable area.

(c) From one hundred thousand (100,000) square feet of gross leasable area and above: four and one-half (4.5) spaces per one thousand (1,000) square feet of gross leasable area. "Gross leasable area" shall be defined as set forth in § 500-1704A herein.

H. Office buildings, including business, government and professional buildings; medical and dental offices and clinics: at least one (1) off-street parking space for each two hundred (200) square feet of total floor area.

I. Wholesale, manufacturing and industrial plants, including warehouses and storage buildings and yards, public utility buildings, contractor equipment and lumberyards, research laboratories, business service establishments such as blueprinting, printing and engraving, soft drink bottling establishments, fabricating plants, and all other structures devoted to similar mercantile or industrial pursuits: at least one (1) off-street parking space for every two (2) employees.

- J. Terminal facilities, including airports, railroad passenger and freight stations, bus depots, truck terminals and all other similar personal or material terminal facilities: at least such off-street parking spaces as the Board of Supervisors shall deem adequate to service the public as customers, patrons, visitors and employees.
- K. Schools, including academies, colleges, universities, elementary schools, junior high schools, high schools, prep schools, and all other similar institutions of learning: at least one (1) off-street parking space for each employee, including administrators, teachers and building maintenance personnel. In addition, for high schools or the equivalent: at least one (1) off-street parking space for each twenty (20) classroom seats or one (1) off-street parking space for each ten (10) auditorium seats, whichever formula will require the larger number of parking spaces.
- L. Motor vehicle sales establishments: at least one (1) off-street parking space for each two hundred (200) square feet of gross interior floor area used or intended to be used for the sale of vehicles and at least one (1) off-street parking space for each one thousand (1,000) square feet of gross exterior vehicle sales display area, plus at least one (1) off-street parking space for each employee of such establishments. No parking spaces shall be located in the right-of-way of adjacent streets.
- M. Off-street parking areas shall conform to the minimum dimensional standards set forth in § 440-421 of the Middletown Subdivision and Land Development Ordinance (Chapter 440), as amended. The size of parking stalls shall be measured from the middle of the parking stall stripes required by § 500-2704(F)(2) below.

§ 500-2703. Off-street loading required.

Any building or structure which is to be erected, substantially altered or changed in use and which requires the receipt or distribution of materials or merchandise by tractor-trailers or similar vehicles shall be provided off-street loading berths which meet the minimum requirements specified in this section.

- A. Every department store, supermarket, retail store, hospital, nursing home, warehouse or wholesale establishment, or manufacturing plant with a gross floor area of twenty five thousand (25,000) square feet or more shall be provided with at least one (1) off-street loading berth.
- B. Every office building, restaurant and hotel with a gross floor area of thirty five thousand (35,000) square feet or more shall be provided with at least one (1) off-street loading berth.

- C. In addition, the uses listed above shall provide at least one (1) off-street loading berth for each three (3) tractor-trailers serving the facility on an average day.
- D. Any proposed change in use or occupancy that would result in an increase in the number of required off-street loading berths shall not receive a use or occupancy permit from the Zoning Officer until the use complies with the off-street loading requirements of this section.
- E. The Board of Supervisors may require any other building or structure to provide off-street loading berths if it is determined that, due to the volume or size of materials or merchandise that will be received or distributed, such loading berths are necessary.

§ 500-2704. Off-street parking and loading; general regulations.

[Amended 8-18-1992 by Ord. No. 92-8]

- A. Continuing character of obligation.
 - (1) Compliance with the schedule of requirements for off-street parking space and off-street loading space applicable to newly erected or substantially altered structures shall be a continuing obligation of the owner of the real estate on which any such structure is located so long as the structure is in existence and its use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building affected by this chapter to discontinue, change or dispense with, or to cause the discontinuance or change of, the required vehicle parking or loading space, apart from the discontinuance, sale or transfer of such structure, without establishing alternative vehicle parking and/or loading spaces which meet with the requirements of and are in compliance with this chapter. It shall also be unlawful for any person, firm or corporation to use a building without acquiring such land for vehicle parking and loading spaces which meet with the requirements of and are in compliance with this chapter.
 - (2) All off-street parking and loading facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. No open area in an off-street parking area shall be encroached upon by buildings, storage or any other use; nor shall the number of off-street parking spaces be reduced in total extent after their provision, except upon the approval of the Zoning Hearing Board, and then only after proof that, by reason of diminution in floor area, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this article.

Reasonable precautions shall be taken by the owner or sponsor of a use to assure the availability of required facilities to the employees or other persons the facilities are designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard or an unreasonable impediment to traffic.

- B. Fractional measurements. If in determining the number of required off-street parking and off-street loading spaces, the result is a requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and any fraction over one-half ($\frac{1}{2}$) shall require one (1) off-street parking or off-street loading space.
- C. Location of required parking and loading facilities. The off-street parking facilities required by this chapter shall be located on the same lot or parcel of land as the structure they are intended to serve. When practical difficulties, as determined by the Board of Supervisors, prevent their establishment on the same lot, off-street parking facilities may be located within four hundred feet (400') of the premises to which they are appurtenant. The off-street loading facilities required by this chapter shall, in all cases, be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the off-street loading space be part of the area used to satisfy the off-street parking requirements of this chapter.
- D. Plan of required off-street parking and/or loading areas. For the purpose of converting parking and/or loading spaces into the required parking and/or loading areas, plans must be submitted to the Township Zoning Officer to show how the required parking and/or loading spaces shall be arranged in the area supplied for that purpose and to indicate sufficient space for parking maneuvers, as well as adequate ingress and egress to the parking and/or loading area. The applicant shall state on his application, in writing, the area of off-street parking and off-street loading he proposes to provide in square feet and shall indicate on the plan submitted the calculations made to compute these totals. Plans of required parking for motor vehicle sales establishments shall also show areas to be used for display of cars, and such areas shall be permanently marked on the establishment's premises by on-site monuments.
- E. Use of required off-street parking by another building. No part of an off-street parking area required for a building or use to comply with the provisions of this chapter shall be included as a part of an off-street parking area similarly required for another building or use, unless the periods of usage by the buildings or uses will not be simultaneous with each other. The applicant shall demonstrate to the Board of Supervisors that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

- F. Construction and maintenance of public off-street parking places.
- (1) All off-street parking facilities required pursuant to the provisions of this article shall be paved, drained and lighted. All off-street parking and loading spaces shall be painted so as to indicate their location and periodically maintained by the owner in accordance with Township specifications. Such facilities shall be arranged for convenient access and safety of pedestrians and vehicles.
 - (2) White or yellow paint shall be used to stripe all parking stalls. All parking stalls required by § 500-2702(M) shall be delineated and separated by two (2) parallel stripes which are two (2) feet apart, measured from the outside edge of each stripe. Each stripe shall be four inches (4") in width. The requirements established in this section shall be in addition to those requirements established in § 500-2702(M).
- G. Paved exceptions. When authorized as a special exception by the Zoning Hearing Board, places of public assembly used less than twelve (12) times per year shall not be required to pave parking areas in accordance with Township specifications.
- H. Collective action relative to off-street parking and loading. Nothing in this chapter shall be construed to prevent the joint use of off-street parking or off-street loading spaces by two (2) or more buildings or uses if the total number of spaces provided is not less than the sum of the spaces required for each use individually, except as permitted in § 500-2704(E).
- I. Mixed uses. In the case of mixed uses, the total requirements for off-street parking and off-street loading shall be the sum of the spaces required for each use individually. The off-street parking and off-street loading space for one (1) use shall not be considered as providing the off-street parking or off-street loading space for another use, except as permitted in § 500-2704 (E).
- J. Nonconforming uses. Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of this chapter, the total amount of parking required for the existing structure or use and the alteration, change or extension shall be provided in accordance with the requirements of § 500-2702.

§ 500-2705. Reduction of nonresidential parking requirements.

In order to prevent the establishment of a greater number of parking spaces than is actually required to serve the needs of nonresidential uses, the Board of Supervisors, after consulting with the Planning Commission and Township Engineer, may permit a conditional reduction of parking space if the following conditions are satisfied:

- A. The design of the parking lot, as indicated on the land development plan, must designate sufficient space to meet the parking requirements of this chapter. The plan shall also illustrate the layout for the total number of parking spaces.
- B. The conditional reduction shall provide for the establishment of not less than eighty percent (80%) of the required number of parking spaces, as specified in this chapter. This initial phase of the parking provision shall be clearly indicated on the plan.
- C. The balance of the parking area conditionally reserved shall not include areas for required buffer yards, setbacks or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this chapter. This parking area which is reserved shall be located and have characteristics so as to provide amenable open space should it be determined the additional parking spaces are not required. The developer shall provide a landscaping plan for the reserved area with the land development plan.
- D. The developer shall enter into a written agreement with the Board of Supervisors that, after one (1) year following the issuing of the last occupancy permit, the additional parking spaces shall be provided at the developer's or owner's expense should it be determined that the required number of parking spaces are necessary to satisfy the need of the particular land development.
- E. At the time of the above-stated agreement, the developer or owner shall post a performance bond or other securities to cover the expense of a traffic study to be undertaken by a registered traffic engineer of the Board of Supervisors' choosing, who shall determine the advisability of providing the full parking requirement. Said study shall be undertaken one (1) year after the issuance of the last occupancy permit pursuant to Subsection D above. With recommendations of the Traffic Engineer, the Township Engineer, and the Planning Commission, the Board of Supervisors shall determine if the additional spaces shall be provided by the developer or if the area shall remain as open space.
- F. Land which has been determined and designated by the Board of Supervisors to remain as open space rather than as required parking shall not be used to provide parking spaces for any addition or expansion but shall remain as open space.

ARTICLE XXVIII, Sign Regulations

§ 500-2801. Conformance.

Any sign hereafter erected or maintained shall conform with the provisions of this article and any other ordinance or regulations of the Township of Middletown not inconsistent herewith.

§ 500-2802. Purpose.

- A. The objectives of this article are to establish requirements for placing, installing and maintaining signs, in order to preserve and protect the health, safety, welfare and general well-being of the community's citizens. Just as regulations for the placement, construction and maintenance of buildings and structures through zoning is a valid use of the law, so are regulations for the placement, installation and maintenance of signs a valid use of the law, because signs, in the literal sense, must be considered structures and, in a practical sense, are capable of producing many of the same nuisances as buildings produce.
- B. Sign regulations are further justified by the primary purpose of a sign: to draw attention to its content. However, since signs can distract drivers or obstruct views, the very nature of a sign can be a potential hazard to the safety of the motorist. Therefore, it is the intent of this article to regulate the location of signs in such a way that they can fulfill their purpose without causing unsafe conditions for motorists.
- C. Finally, it is the objective of this article to protect and preserve the visual character of the community by regulating the placement, installation and maintenance of signs. Because signs are intended to command visual contact, this gives them an important role in the overall visual character of a community. This visual impact affects the value and enjoyment of property; therefore, the regulation of signs can work to enhance the value of property, encourage appropriate land use throughout a municipality and minimize visual clutter in the community.
- D. With this purpose in mind, it is the intention of this article to authorize only those uses of signs which are:
 - (1) Compatible with their surroundings.
 - (2) Appropriate to the type of activity or function to which they pertain.
 - (3) Expressive of the identity and purpose of the individual property, occupant or of the community as a whole.
 - (4) Legible in the circumstances in which they are seen.

§ 500-2803. General sign regulations.

[Amended 3-23-1999 by Ord. No. 99-04]

- A. Definitions of signs. As used in this article, the following terms shall have the meanings indicated:

ANIMATED SIGN -- A type of freestanding, wall, projecting or roof sign with motion, flashing light, or color changes requiring electrical energy or electronic or manufactured sources of supply. For the purposes of this chapter, this definition shall not be meant to include public service signs, such as time-and-temperature signs; revolving or changeable copy signs, or wind-activated elements, such as flags, banners or similar items.

ARCHITECTURAL PROJECTION -- Any projection, except signs, which is not intended for occupancy and which extends beyond the face of an exterior wall of a building.

BACKGROUND AREA OF SIGN -- The entire area of a sign on which copy can be placed, including framing and border, but not including structural supports and decorative trim which is incidental to the copy content of the display itself.

BENCH SIGNS -- A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

BILLBOARD -- See "off-premises signs" and "commercial outdoor advertising signs."

BUILDING CODE -- The current Building Code as officially adopted by the Township which governs construction standards, approved materials, and projection standards, unless otherwise specified herein.^{xciii}EN

BUILDING FACADE -- That portion of any exterior elevation of a building extending vertically from grade to the top of the parapet, wall or eaves and horizontally across the entire width of the building elevation.

BUSINESS SIGN -- An on-premises sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted on the premises on which such sign is located or to which it is affixed.

CHANGEABLE COPY SIGN -- A sign on which the message copy can be changed through the use of attachable letters, numerals or graphics or through the use of electronic switching of lamps or other illuminated devices. This includes public service information, such as time-and-temperature displays, or any sign which features automatic or manual switching or changing of its message content.

COMMERCIAL OUTDOOR ADVERTISING SIGN -- A permanent off-premises sign erected, maintained or used for the purpose of providing copy area for advertising messages for rent or lease.

COMMUNITY SPECIAL EVENT SIGN -- A type of temporary sign which is intended to advertise a nonprofit community or civic event.

CONSTRUCTION/DEVELOPMENT SIGN -- A type of temporary sign which is intended to advertise the name of a project or development and/or the contractor, architect, engineer, financier, etc.

COPY AREA OF SIGN -- The actual area of the sign copy applied to any background. Compute copy area by straight lines drawn tangent to copy extremities encompassing individual letters, words and graphic elements.

DIRECTIONAL SIGN -- Any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and which is placed on the property to which the public is directed.

DIRECTLY ILLUMINATED SIGN -- A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including, but not limited to, neon and exposed lamp signs.

EAVES -- The lowest horizontal line of a sloping roof.

ERECT -- To build, construct, attach, hang, suspend, affix, alter, structurally repair, paint, relocate or renew on a wall or any other background surface.

FASCIA SIGN -- See "wall sign."

FESTOON LIGHTING -- A directly illuminated sign comprised of a group of incandescent bulbs hung or strung overhead.

FREESTANDING SIGN -- A sign permanently supported by an upright(s) which is permanently anchored into the ground. Such signs must be anchored below the frost line with a footing.

ILLUMINATED SIGN -- A sign in which an internal or external source of light is used.

INDIRECTLY ILLUMINATED SIGN -- A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

INTERIOR SIGN -- Any sign, except a window sign, placed within a building, regardless of whether its message is visible to the exterior of the building. Interior signs are not regulated by the provisions of this chapter.

KIOSK -- A permanent structure designed for the posting of temporary signs or messages.

MARQUEE -- A permanent, roofed structure attached to a building and projecting over public or private property.

MARQUEE SIGN -- Any sign attached to a marquee (see "wall sign").

OFF-PREMISES SIGN -- A sign directing attention to a business, person, commodity or service not sold or located upon the premises where the sign is located.

ON-PREMISES SIGN -- A sign which carries only messages strictly incidental to lawful use of the premises on which it is located. Such signs may include but not be limited to messages indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises.

OPINION SIGN -- Any sign that expresses or declares the personal belief, idea or conviction of the citizen(s) residing on the premises as protected under the First Amendment of the U.S. Constitution.

PARAPET -- The portion of a facade or wall that extends above the roof.

POLE SIGN -- See "freestanding sign."

POLITICAL SIGN -- Any temporary sign pertaining to political views, an individual seeking election or appointment to a public office, or a forthcoming public election or referendum.

PORTABLE SIGN -- A sign with or without display or legend, which is self-supporting without being firmly embedded in the ground, or is fixed on a movable stand or mounted on wheels or removable vehicles or made easily movable in some other manner.

PREMISES -- A separate lot or tax parcel or a single use on more than one lot or tax parcel with individual frontage abutting the street line. A premises may include more than one occupant as in an office complex or shopping center.

PROJECTING SIGN -- A sign, other than a wall sign, which is attached to and projects more than 18 inches from a wall of a building.

REAL ESTATE SIGN -- A sign pertaining to the sale, lease or rent of a property upon which it is located.

REVOLVING SIGN -- A type of freestanding sign which revolves three hundred sixty degrees (360°) or agitates back and forth.

ROOFLINE -- The uppermost line of the roof of the building or, in the case of an extended facade or parapet, the uppermost height of said facade or parapet.

ROOF SIGN -- A sign erected or maintained upon the roof or parapet of a building, the entire face of which is situated above the eaves or highest architectural point of the building to which it is attached and which is wholly or partially supported by said building.

SIGN -- Any letter, number, symbol, figure, character, mark, plane, design, picture, stroke, stripe, trademark or combination of these, including permanent window signs erected in any manner whatsoever, which shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article or merchandise and which shall be displayed in any manner whatsoever.

SNIFE SIGN -- A small off-premises sign attached in any way to an object or tree.

TIME-AND-TEMPERATURE SIGN -- A display containing illuminated or reflective numerals switching alternately to show the time and temperature.

VEHICULAR SIGN -- A portable sign which is affixed and/or painted to a vehicle in such a manner that the carrying of such sign or signs is no longer incidental to the vehicle's primary purpose. Such signs shall be subject to the regulations for portable signs as defined in this article.

WALL AND FASCIA SIGN -- A sign which is parallel to any exterior wall of a building or structure. Also includes signs affixed to architectural projections, canopies or marquees which project from a building facade, provided the copy area of such sign remains parallel to the building facade.

WINDOW SIGN -- A sign affixed to or within twelve inches (12") of the interior surface of a window with its message visible to the outside of said window surface.

B. Area of signs.

- (1) The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not to include any supporting framework, bracing or decorative trim which is incidental to the copy content of the display itself.
- (2) In the computation of square foot area of a double-faced sign or multiple-faced sign, only one (1) side shall be considered, provided all faces are identical in size. If the interior angle formed by the faces of a double-faced or multiple-faced sign is greater than ninety degrees (90°), then all sides of such sign shall be considered in calculating the sign area. All faces of a revolving sign or a revolving sign component shall be considered in calculating the sign area of such sign or component.
- (3) If an establishment has walls fronting on two (2) or more streets or if the property fronts on more than one (1) street, the sign area for each building wall or property frontage shall be computed separately.
- (4) A sign supported by more than one (1) means (and therefore may be defined as a freestanding, wall, roof or projecting sign) shall have its area and height calculation determined by the type of sign which has the most restrictive standards.
- (5) Frontage on Interstate 95 shall not be used in the calculation of sign area.

C. Height of signs.

- (1) The maximum height of a freestanding sign shall be measured from the elevation of the shoulder of the road to the highest point of the sign structure. In the case where there is a sidewalk, the height of the sign shall be measured from the elevation of the sidewalk.
- (2) For a projecting, wall or roof sign, the maximum height shall be determined by the height of the facade of the building.

D. Illumination of signs. No directly or indirectly illuminated sign shall violate the provisions of § 500-2505 of this chapter.

E. Supports. Effective January 1, 2000, the use of wire supports for any sign permitted to be placed in the right-of-way or on government-owned property is prohibited. Wire supports necessary for signs not located in the right-of-way or on government-owned property shall not encroach into any right-of-way or onto any government-owned property.

§ 500-2804. Placement of signs.

In no case, except for official traffic and street signs, shall any sign be erected so that it:

- A. Lies within ten feet (10') of or projects over a point within ten feet (10) of the ultimate right-of-way of any street or is within ten feet (10') of the shoulder or curb, whichever is greater, with the specific exception that such placement of political signs shall be permitted if done in compliance with all other provisions regarding political signs.
- B. Lies within the clear sight triangle. The requirements of § 500-2308 of this chapter and Chapter 440, § 440-416(A), Corner sight distance (clear sight triangle), of the Middletown Township Subdivision and Land Development Ordinance (Chapter 440) shall be met.
- C. Obscures a motorist's view of traffic signals, stop signs, or other warning devices as viewed from a distance of five hundred feet (500') along established thoroughfares.
- D. Obscures a motorist's view of roadway or intersections ahead as viewed from a distance of five hundred feet (500') along established thoroughfares.
- E. Limits a pedestrian's view of vehicular traffic to less than five hundred feet (500') while he stands inside the curblin at an intersection or other established crossing point.
- F. Lies within a distance of twenty feet (20') from either side yard property line.
- G. Lies within a parking space or fire lane.
- H. Blocks the movement of pedestrians traveling on public thoroughfares.
- I. Blocks the entrance, exit, fire escape, or fire lane to a building.

§ 500-2805. Exempted signs.

[Amended 3-23-1999 by Ord. No. 99-04]

The following signs are permitted in all districts and do not require a permit, provided the applicable conditions and uses have been met:

- A. Official highway route number signs, street name signs, directional or other traffic signs may be erected on public roads and highways in the interest of public safety.

- B. Signs displaying the name and address of the occupant of the premises, provided that the area of any such sign shall not exceed one hundred twenty (120) square inches and not more than one (1) such sign shall be erected for each occupant of a premises, unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.
- C. No-trespassing signs, signs indicating the prohibition or control of fishing, hunting etc., or signs indicating the private nature of a road, provided the area of any such sign does not exceed two hundred sixteen (216) square inches.
- D. Real estate signs shall be permitted, provided that the area of any such sign shall not exceed six (6) square feet in all residential districts and twelve (12) square feet in all other districts and that not more than one (1) such sign shall be placed on property held in single and separate ownership unless the property fronts on more than one (1) street, in which case one such sign shall be permitted along each street. All such signs shall be removed within ten (10) days after a settlement of sale, lease or rental has been entered into.
- E. Legal notices.
- F. Public service and information signs advertising the availability of rest rooms, telephones or similar public conveniences; also, signs advertising meeting times and places of nonprofit service or charitable organizations. These signs may be erected, provided they do not advertise any commercial establishment, activity, organization, product, goods or service, except those of public utilities. Any such sign shall not exceed four (4) square feet.
- G. Vending machine signs bearing the brand name of a product or the price of such product when displayed on a vending machine selling such product.
- H. Bulletin or announcement board signs for institutional, nonprofit service, or charitable organizations, provided that the area of any one side of such sign shall not exceed sixteen (16) square feet.
- I. Memorial signs or historical signs or tablets, provided such sign or tablet does not exceed four (4) square feet.
- J. Window signs giving store hours or the name or names of credit or charge institutions, provided the total area of any sign or all signs together does not exceed two (2) square feet.
- K. Temporary window signs, including community special event signs, provided such signs take up no more than fifty percent (50%) of the window area.

- L. Signs which are a permanent architectural feature of a building or structure, such as a cornerstone, or identifying letters carved into or embossed on a building, provided the letters are not made of a reflective material nor contrast in color with the building.
- M. Mechanics' or artisans' signs may be erected during the period such persons are performing work on the premises on which such signs are erected, provided that such signs shall be removed upon completion of work by the mechanic or artisan, and the total area for all such signs shall not exceed six (6) square feet. Not more than one (1) such sign shall be placed on any given property on which such person is performing work unless such property fronts on more than one (1) street, in which case, one (1) such sign shall be permitted along each street. All such signs shall be removed immediately upon completion of the work.
- N. Bunting, pennants and similar materials are permitted to announce the opening of a new business or industry and must be removed after seven (7) days of the opening day or the first day of business. The owner/user of the business or industry shall inform the Township Zoning Officer in writing of the opening day or the first day of business. Such notice shall be submitted at least fourteen (14) days prior to the opening day or the first day of business.
- O. Revolving barbershop pole sign, provided that it does not exceed thirty six inches (36") in height and that it is erected only in a commercial district.
- P. Signs advertising a yard sale are permitted, provided the signs do not exceed four (4) square feet in area, remain up only during the sale, and do not appear more than once every six (6) months on the same premises. Not more than one (1) such sign shall be placed on any given property on which the yard sale shall occur unless such property fronts on more than one (1) street, in which case, one (1) such sign shall be permitted along each street. Not more than three (3) such signs may be placed off-premises to provide direction to the yard sale.
- Q. Opinion sign, provided it is erected in accordance with § 500-2809(B)(6).

§ 500-2806. Nonconforming signs.

- A. Any sign legally existing at the time of the passage of this chapter that does not conform in use, location, height or size with the regulations of the district in which such sign is located shall be considered a nonconforming sign and shall be bound by the regulations of this chapter regarding nonconforming signs.
- B. A sign on a building or structure which does not conform to this chapter shall be removed when the building or structure is demolished or when the fair market value of the cost of the building or structure renovation or expansion exceeds fifty percent (50%) of the fair market value of the building or structure as determined

by applying the formula set forth in the Annual Certification of the Pennsylvania State Tax Equalization Board to the value of the building or structure as assessed by the Bucks County Board of Tax Assessment.

- C. A sign not conforming to this chapter shall be removed when the sign requires any structural renovation or the background area of the sign is to be altered.
- D. A nonconforming sign must be removed within fourteen (14) days or be made to conform to this chapter in every respect, whenever:
 - (1) It is not firmly attached to the ground or some other object and can be easily moved.
 - (2) It becomes so deteriorated that it no longer serves a useful purpose of communication and is a nuisance as determined by the Township.

§ 500-2807. Prohibitions.

- A. Zoning information. No sign shall be erected containing information that a property may be used for any purpose not permitted in the zoning district in which the property to which the sign relates is located.
- B. Prohibited signs. The following signs are unlawful and prohibited:
 - (1) Any banner, pennant or novelty-type sign suspended between poles and lighted by a series of lights is prohibited.
 - (2) A sign that uses any method of illumination that can cause glare is prohibited, except in accordance with the following:
 - (a) It must be so effectively shielded that glaring beams or rays of light are not directed to any portion of any street, highway or adjacent property or structure.
 - (b) It must be less than one-quarter ($\frac{1}{4}$) footcandle, as measured from the curblineline or shoulder, so as not to cause glare or impair the vision of any motorist or otherwise interfere with the driver's operation of his motor vehicle.
 - (3) No sign may use the words "Stop," "Look," "Danger," or any word or character which attempts or appears to attempt to direct the movement of traffic or which interferes with or resembles any official traffic sign, signal or device within seventy five feet (75') of a public right-of-way or within two hundred feet (200') of a traffic control device, whichever is greater.
 - (4) Except for traffic control signals, red and green lights are prohibited within seventy five feet (75) of a public right-of-way or two hundred feet (200') of a traffic control device signal, whichever is greater.

- (5) Except for temporary community special event signs, any sign erected on a utility pole, street identification sign, traffic control sign or device, streetlight pole, traffic signal pole, tree or other natural feature is prohibited.
 - (6) Any banner, pennant or novelty sign or sign of any other type is prohibited across a public street or on any private property, except for such signs which are approved by the Board of Supervisors, as a conditional use, to be of general benefit to the Township or for public convenience, necessity or welfare. No application for such conditional use shall be granted unless such application includes written approval for installation of such sign from the owner of the public street, right-of-way or private property and the owner of any utility poles or streetlight poles located within the public street, right-of-way or private property and a specified date for removal of the sign.
[Amended 5-20-2005 by Ord. No. 08-05]
 - (7) Any sign suspended between poles which is either a banner, pennant, or novelty sign which blows in the wind or a spinner which spins in the wind is prohibited. Refer to § 500-2805 for exceptions.
 - (8) Any sign is prohibited which does not conform to the requirements of the sign regulations which were in effect when the sign was erected.
 - (9) Any sign which is not included under the types of signs permitted in district regulations or in this article.
 - (10) Any portable sign, except as permitted under the provisions of this article.
 - (11) Festoon lights.
 - (12) Snipe signs.
 - (13) Signs painted directly on walls.
- C. Violations. A sign in violation of Subsections A and B above shall be removed within fourteen (14) days of notice from the Township that such sign must be removed.

§ 500-2808. Permits; construction and maintenance; violations.

- A. Permits required.
 - (1) A permit must be obtained from the Township before the erecting of all signs erected in the Township, unless specifically exempted herein.
 - (2) Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection in a safe manner and in a manner in accord with all the other provisions of this chapter.

- (3) Before any permit is granted for the erection of a sign or sign structure, plans and specifications shall be filed with the Township showing:
 - (a) The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached.
 - (b) The dimensions of the sign's supporting members.
 - (c) The maximum height of the sign.
 - (d) The proposed location of the sign in relation to the face of the building in front of which or above which it is to be erected.
 - (e) The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated.
 - (f) Where the sign is to be attached to an existing building, a current photograph of the face of the building to which the sign is to be attached.
 - (g) The materials, finish and details of construction, including loads, stresses, anchorage, and any other pertinent engineering data.
 - (h) Plans for signs with a proposed area greater than one hundred (100) square feet shall be prepared and sealed by a structural engineer.
 - (i) The application for a permit shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected for Township officials to enter said premises to inspect such sign.
- (4) The following changes to a sign do not require a permit:
 - (a) The changing of movable parts of an approved changeable copy sign that is designed for such changes or the repainting or reposting of display matter shall not be deemed an alteration, provided the conditions of the original approval and requirements of this article are not violated.
 - (b) The changing of the advertising copy or message of a painted, plastic face, or printed sign only. Except for signs specifically designed for the use of replaceable copy, electric signs shall not be include in this exception.
 - (c) The electrical, repainting or cleaning maintenance of a sign.
 - (d) The repair of a sign.
 - (e) Permit fees to erect a sign shall be in accordance with the sign fee schedule adopted by the Township.

- B. Construction requirements. All signs shall meet the design and construction requirements of the BOCA Basic Building Code (Chapter 190, Article II). All electrical signs shall be manufactured in accordance with the Underwriters Laboratories' specifications and shall bear the UL label.
- C. Maintenance requirements. Every sign permitted by this chapter must be constructed of durable materials and kept in good condition and repair.
- D. Removal or abandonment of signs.
- (1) The owner of any property or premises upon which any sign is erected shall be responsible for its complete removal at such time as the circumstances which cause its erection have ceased to exist or at such other time that the sign must be removed under any other provisions of this chapter. If the owner of any property upon which a sign has been erected shall fail or neglect to render it as hereinabove required, the Zoning Officer shall give notice to remove the sign by certified mail to the owner. If this letter is returned undelivered for any reason, he may post such notice upon the premises. If upon the expiration of thirty (30) days following notice the owner fails to remove the sign, the Zoning Officer shall arrange for its removal on behalf of the Township and shall bill the owner for the cost of such work plus ten percent (10%) for administrative cost. If such bill remains unpaid after the expiration of thirty (30) days, the Township Solicitor shall take the necessary steps to collect the same. Failure of a property owner to remove such sign after the notice hereinabove provided shall constitute a violation of the terms of this chapter, and each day's continuance of such failure shall constitute a separate violation.
 - (2) If the owner of any sign in violation of any of the provisions of this chapter is not the owner of the premises on which it is situated, the identical notices specified above may be issued to him in like manner, and such owner of the sign shall be required to take such steps to comply with the notice or notices issued to him as though he were the owner of the property or premises on which the sign is located. If such owner of the sign fails to comply, such failure shall constitute a violation of the terms of this chapter. Such owner of the sign shall be liable to the same extent as the owner of the property or premises on which the sign is located.
- E. Unsafe and unlawful signs. If the Zoning Officer finds that any sign regulated herein is unsafe or insecure or is a menace to the public or has been constructed, erected, or maintained in violation of the provisions of this chapter, he shall give notice to remove or alter the sign to comply with this chapter, in the same manner as in Subsection D above, to the party to whom the permit was issued to erect the sign or to the owner of the sign or to any combination of them. If the parties notified fail to remove or alter the sign to comply with the standards herein set

forth within thirty (30) days after notice, such sign may be removed or altered by the Building Inspector at the expense of each and every person notified. The expenses of the removal or alteration shall be computed and paid for by the parties notified in the same manner as in Subsection D above, and the same sanctions shall apply. The Building Inspector may cause any sign or other advertising structure which is in immediate peril to persons or property to be removed summarily and without notice.

- F. Annual registration and inspection of certain signs.
- (1) For all signs not exempted under this chapter, whether or not such signs have been erected prior to the adoption of this subsection, the owner of the premises upon which the sign is erected and maintained (or, in the case of leased property, the tenant) shall annually, before January 15 of the year following the year in which a permit for such sign has been secured, pay the registration fee in the amount established by resolution of the Board of Supervisors for each and every sign required to be registered under the provisions of this subsection.
 - (2) With the annual registration, the applicant shall submit a statement by which the applicant agrees to indemnify and save harmless the Township against any loss, damage, costs, and expenses which the Township may hereafter suffer, incur, be put to, or pay by reason of any claims resulting from the erection of the sign and agrees to pay and discharge forthwith on demand of the Township each and every claim, obligation or judgment against said Township resulting from the erection of said sign.
- G. Insurance. It shall be unlawful for any individual, partnership, corporation or other entity to erect, repair or maintain electrical signs, regardless of size or location, or nonelectrical signs which are higher than ten feet (10') above grade or larger than twenty four (24) square feet without submitting a certificate of insurance to the Building Inspector's office in the amount of one hundred thousand dollars (\$100,000.00) and three hundred thousand dollars (\$300,000.00) personal injury liability and thirty five thousand dollars (\$35,000.00) property damage.
- H. Licensing. In the case of a proposed erection or repair of any electrical or neon sign, or any nonelectrical sign twenty four (24) square feet in size or ten feet (10) feet above grade, no permit for the erection of such sign or signs shall be issued until after the applicant has complied with the following provisions:
- (1) The erector or its agent or employees shall apply for and obtain an annual license for the erection of signs of this category with a fee established by resolution of the Board of Supervisors to be paid to the Township for such license.

- (2) Such license shall be obtained or renewed annually for the calendar year period beginning January 1 of each year or at such later time that such sign erection company wishes to obtain its first permit for the erection or repair of a sign of this category in Middletown Township.
- (3) The fee for the annual renewal of the license shall be established by resolution of the Board of Supervisors.

§ 500-2809. Signs permitted in residential districts.

[Amended 3-23-1999 by Ord. No. 99-04]

In RA-1, RA-2, RA-3, OR, R-1, R-2, R-3, MR, RC and MHP Districts, the following standards shall govern:

A. General regulations.

- (1) Freestanding signs are permitted in accordance with the provisions of this section; provided, however, that no such sign shall exceed a height of seven feet (7').
- (2) Animated, changeable copy, commercial outdoor advertising, portable, projecting, revolving, roof, directly illuminated, and indirectly illuminated signs are prohibited, except as specifically permitted in Subsection B(5) hereof.

B. On-premises signs.

- (1) Construction signs which identify the name of a subdivision, development or the developer are permitted, provided that the aggregate area of the sign shall not exceed a maximum of forty (40) square feet. Not more than one (1) such sign shall be placed on property held in single and separate ownership unless the property fronts on more than one (1) street, in which case one (1) such sign shall be permitted along each street. Such signs shall be removed within twenty (20) days after the last structure has been satisfactorily inspected for Building Code compliance by the Township.
- (2) Signs or bulletin boards of schools, colleges, churches, hospitals, sanitariums, cemeteries, nonprofit clubs, and other nonprofit institutions of a similar nature or signs indicating the name of a particular organization, farm or estate, or nonprofit organization are permitted, provided that the size of any such sign is not in excess of forty (40) square feet. Not more than one (1) such sign may be placed on any property held in single and separate ownership unless the property fronts on more than one (1) street, in which case one such sign shall be permitted along each street frontage.

- (3) Directional signs, such as entrance signs or exit signs, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods or services. Such sign shall not exceed two (2) square feet in size and eight feet (8') in height.
- (4) Professional, home occupation, or name sign indicating the profession, activity or name of the occupant of a dwelling, provided the following conditions are met.
 - (a) The size of such sign shall not exceed one hundred twenty (120) square inches.
 - (b) Not more than one (1) such sign shall be erected for each permitted use or dwelling unit.
 - (c) Any such sign shall be erected only on premises wherein the professional use or home occupation is located. No such sign shall be indirectly illuminated.
- (5) One (1) nonilluminated or indirectly illuminated sign at the principal access street or access drive to a residential development or complex, indicating the name of such area or complex and, in the case of a rental complex, the name of the owner or management organization, subject to the following requirements:
 - (a) The size of any such sign shall not exceed twenty four (24) square feet.
 - (b) Such a sign may be located on lands of the rental complex or on common open lands, provided all other setback or location restrictions are observed.
- (6) Opinion signs are permitted, provided that:
 - (a) The size of any such sign to be placed on a single lot shall not exceed six (6) square feet with an aggregate area limitation per single lot of twelve (12) square feet.
 - (b) A freestanding or wall sign is permitted.
 - (c) Such sign shall not be illuminated.
 - (d) Setbacks shall be in compliance with the provisions of § 500-2804.

C. Off-premises signs.

(1) Political signs are permitted, provided that:

- (a) The size of any such sign to be placed on a single lot shall not exceed twelve (12) square feet with an aggregate area limitation per single lot of twenty four (24) square feet.
- (b) When placed in a road right-of-way, political signs shall not be located in such a way as to constitute a hazard to motorists or pedestrians and shall be set back an appropriate distance from the edge of pavement or curb so as not to obstruct the vision of motorists or pedestrians. The size of any such sign to be placed within the road right-of-way shall not exceed thirty two (32) square feet. In addition, effective January 1, 2000, the use of wire supports for political signs placed within the right-of-way or on government-owned property is prohibited.
- (c) No such sign shall be erected on a utility pole, street identification sign, traffic control sign or device, streetlight pole, traffic signal pole, tree or other natural feature.
- (d) Such signs shall not be posted earlier than sixty (60) days prior to the election to which such signs relate.
- (e) The erector of such signs or an authorized agent of the political party or candidate applies for and obtains a permit from the Township Zoning Officer and deposits with the Township at the time of his application the sums established by resolution of the Board of Supervisors as a guarantee that all such signs will be removed promptly within 10 days after the date of the election to which such signs relate. If such signs are not removed at the end of the ten-day period, the Township may have them removed and retain such sums from the deposit in an amount equal to the expense incurred by the Township for such removal. The Township reserves the right to collect from the applicant any such expenses not covered by the deposit.

(2) Community special event signs are permitted, provided that:

- (a) No such sign shall exceed twenty five (25) square feet in area.
- (b) Signs shall not be posted earlier than four (4) weeks before the occurrence of the exhibit, show or event and shall be removed within (5) five days after the termination of the exhibit, show or event.
- (c) A maximum of four (4) such signs may be permitted within the Township for any one exhibit, show or event.

- (d) No permit shall be issued for the erection of such signs until a deposit has been paid in an amount established by resolution of the Board of Supervisors. If such signs are not removed within five (5) days after the termination of the exhibit, show or event, the Township may have them removed and keep from the sum deposited an amount equal to the expenses incurred by the Township for such removal. The Township reserves the right to collect from the applicant any such expenses not covered by the deposit.

§ 500-2810. Signs permitted in the A-O, OC and P Districts.

In the A-O Apartment-Office, OC Office Campus, and P Professional Districts, the following standards shall govern:

A. General regulations.

- (1) Freestanding signs are permitted in accordance with the provisions of this section; provided, however, that no such sign shall exceed a maximum height of twelve feet (12').
- (2) Animated, changeable copy, commercial outdoor advertising, portable, projecting, revolving and roof signs are prohibited.

B. On-premises signs.

- (1) Any sign permitted in the RA-1, RA-2, RA-3, OR, R-1, R-2, R-3, MR, RC and MHP Districts shall be permitted in accordance with § 500-2809 of this chapter.
- (2) For any one (1) property or parcel, one (1) freestanding or one (1) wall sign, erected as an identification sign, including a directory of occupants of an apartment building or development, of an office building, or of other permitted uses, shall be permitted. The area of one(1) side of any freestanding sign shall not exceed forty (40) square feet and not more than one (1) such sign shall be erected on a premises held in single and separate ownership unless such premises fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage. The maximum height of such freestanding sign shall not exceed twelve feet (12'). The area of such wall sign shall not exceed forty (40) square feet, and such sign shall be placed below the eaves of a roof and no higher than the parapet of a wall.

- (3) For any one (1) use, one (1) wall sign may be erected unless such premises fronts on more than one (1) street, in which case, one (1) such sign may be erected on each street frontage. The area of such sign shall not exceed twelve (12) square feet. Such sign shall be placed below the eaves of a roof or no higher than the parapet of a wall.
 - (4) The use of portable signs shall be permitted in accordance with the following provisions:
 - (a) The use of portable signs, on a permanent basis, is prohibited in all zoning districts.
 - (b) The temporary use of portable signs shall be permitted only in the P Professional District.
 - (c) "Temporary use" shall mean the use of any such sign on any one premises no more than twenty (20) days per calendar year.
 - (d) The temporary use of such signs shall be in accordance with the placement regulations and area requirements for freestanding signs.
 - (e) Application for a portable sign permit must be made to the Township accompanied by a cash deposit in an amount to be set by resolution of the Board of Supervisors as a guarantee that the portable display shall be promptly and completely removed at the end of the period authorized.
 - (f) Any portable sign which is electrically energized or which contains any electrical device must conform to the same requirements and standards which cover permanent electric signs under this chapter.
 - (g) Portable signs may not revolve, be animated, include pennants, or have flashing lights.
 - (h) Not more than one such sign shall be used at anytime on a premises held in single and separate ownership.
- C. Off-premises signs. Any such sign as permitted in the RA-1, RA-2, RA-3, OR, R1, R-2, R-3, MR, RC and MHP Districts shall be permitted in accordance with § 500-132 of this chapter.

§ 500-2811. Signs permitted in commercial districts.

In the C Commercial, CS Shopping Center and GB General Business Districts, the following standards shall govern.

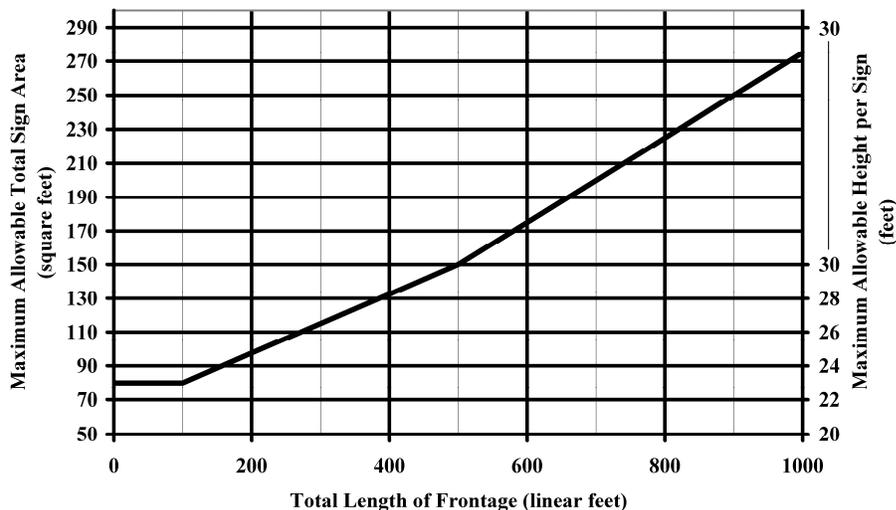
- A. General regulations. Animated, commercial outdoor advertising, projecting, revolving, portable and roof signs are prohibited.

B. On-premises signs.

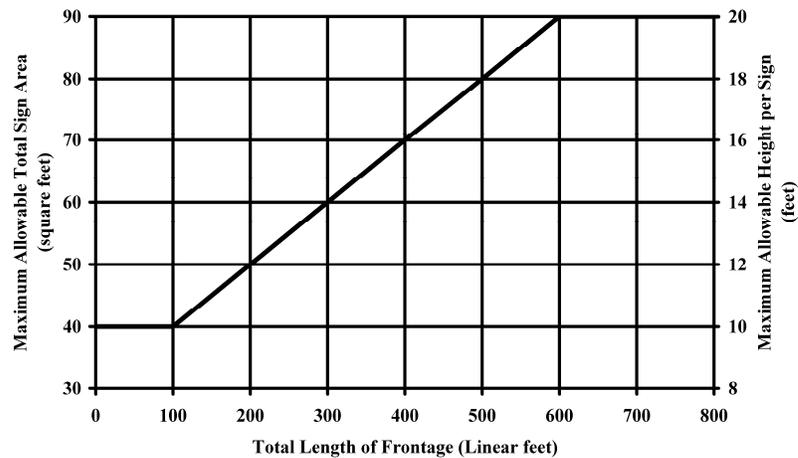
- (1) Any sign, except portable signs, permitted in the A-O Apartment-Office, OC Office Campus, and P Professional Districts shall be permitted in accordance with § 500-2810 of this chapter; provided, however, whenever the requirements of this section for such signs are in conflict with the requirements of § 500-2810, the most restrictive or the section imposing the higher standards shall govern.
- (2) Freestanding signs.
 - (a) Number of signs. There shall be only one (1) freestanding sign per premises, except as follows:
 - [1] For a premises that fronts on more than one (1) street, there may be one (1) freestanding sign per each yard fronting on a street.
 - [2] For a premises with more than five hundred (500) lineal feet of frontage on a street, there may be one (1) freestanding sign per each five hundred feet (500') of frontage or portion thereof.
 - (b) Sign area and height. The maximum sign area per frontage and the maximum height per sign shall be determined by the length of frontage per premises in accordance with Table 1. The maximum size of any one (1) sign shall be one hundred fifty (150) square feet. The maximum height of any sign shall be determined in accordance with Table 1 based on the sign area.

Table 1

a. Freestanding signs which front on Old Lincoln Highway, Lincoln Highway, Woodhouse Road, New Rogers Road and Oxford Valley Road, where these are four lanes.



b. Freestanding signs which face on all other roads.



(3) Wall and permanent window signs. In lieu of a projecting sign as provided in Subsection B(4) below, a wall or permanent window sign may be erected in accordance with the following provisions:

- (a) Number of signs. There shall be no more than one (1) wall or permanent window sign per facade per occupant.
- (b) Sign height. Such signs shall be placed below the eaves of a roof or no higher than a parapet of a wall.
- (c) Sign area. For signs placed on facades fronting on a street, such signs shall not exceed ten percent (10%) of the facade area or that portion of such facade which is devoted to such establishment or one hundred (100) square feet, whichever is less. For signs fronting on rear or side yards and not on a street, such signs shall not exceed five percent (5%) of the facade area or that portion of such facade which is devoted to such establishment or sixty (60) square feet, whichever is less.

(4) Projecting signs. In lieu of a wall or permanent window sign as provided in Subsection B(3) above, a projecting sign may be erected in accordance with the following provisions:

- (a) Such signs shall have a sign area no greater than eight (8) square feet per side and a minimum clearance of ten feet (10') from the sidewalk and shall be mounted as nearly as possible perpendicular to the building face.
- (b) One (1) such sign may be permitted for each entrance to a facility served by a canopy or other pedestrian walkway, provided that they do not exceed eight (8) square feet in area.

- (5) Time and/or temperature signs.
 - (a) Time and/or temperature signs shall be displayed only as a part of a freestanding or a wall sign, subject to all regulations applying to those signs.
 - (b) Any such device with alternating messages shall display each message for not less than three (3) seconds.

- (6) Changeable copy sign.
 - (a) A changeable copy sign shall be displayed only as a part of a freestanding or wall sign, subject to all regulations applying to those signs.
 - (b) The changeable copy sign shall not exceed one-third ($\frac{1}{3}$) of the total proposed area of the wall or freestanding sign.
 - (c) Any such device with alternating messages shall display each message for not less than three (3) seconds.

- (7) Commercial directional sign. On-premises directional signs which are designed and erected solely for the purpose of traffic or pedestrian direction on properties on which the principal use is a commercial establishment.
 - (a) Such signs shall not exceed sixteen (16) square feet in size.
 - (b) The message on such signs shall be limited to direction, hours of operation, or building identification or purpose.
 - (c) Such signs shall be placed so as to meet the requirements of § 500-2804, Placement of signs, except that one such sign may be placed at an entrance or exit to the property. The message on such sign shall be limited to the words "enter," "exit," "entrance," "in," "out," or similar words of direction. The sign shall be placed to ensure proper sight distance in accordance with § 500-2804(B) and shall not exceed four (4) square feet in area.

- C. Off-premises signs. Any such sign as permitted in the RA-1, RA-2, RA-3, OR, R1, R-2, R-3, MR, RC and MHP Districts shall be permitted in accordance with § 500-2809 of this chapter.

§ 500-2812. Signs permitted in the manufacturing districts.

In the M-1 Manufacturing Districts the following standards shall govern.

A. On-premises signs.

- (1) Any sign, except portable signs, permitted in all other districts shall be permitted in accordance with §§ 500-2809, 500-2810 and 500-2811 herein; provided, however, whenever the requirements of this section for such signs are in conflict with the requirements of §§ 500-2809, 500-2810 and 500-2811, the most restrictive or the section imposing the higher standards shall govern.
- (2) Animated signs. A sign may be animated, provided that the total cycle of motion or illumination does not exceed six (6) times per minute.
- (3) Projecting signs.
 - (a) Projecting signs are permitted, provided the area of such sign does not exceed one (1) square foot for each two (2) lineal feet of building frontage which is perpendicular to the sign. No projecting sign may be larger than fifty (50) square feet nor may any projecting sign extend in a vertical dimension above the roofline or highest architectural point of a building.
 - (b) Projecting signs shall have a minimum clearance of ten feet (10') between the bottom of the sign and the ground and, if projecting over a public sidewalk, may project not more than two-thirds ($\frac{2}{3}$) the width of the sidewalk.
 - (c) Projecting signs may exist instead of but not in addition to freestanding signs on a given premises. Where a premises is allowed two(2) or more freestanding signs, a projecting sign may be used to substitute for one (1) of the freestanding signs.
- (4) Revolving signs. Such signs shall be permitted in accordance with the regulations in this section for freestanding signs, provided they do not exceed four (4) revolutions per minute.
- (5) Roof signs.
 - (a) The maximum area of a roof sign shall not exceed five percent (5%) of the total area of the building facade upon which the roof sign sits.
 - (b) The maximum height that a roof sign may project above a parapet or eaves of a building shall be equivalent to twenty percent (20%) of the height of the building facade.

- (c) Roof signs may exist instead of but not in addition to freestanding signs on a given premises. Where a premises is allowed two (2) or more freestanding signs, a roof sign may be used to substitute for one (1) of the freestanding signs.

B. Off-premises signs.

- (1) Any such sign as permitted in the RA-1, RA-2, RA-3, OR, R-1, R-2, R-3, MR, RC and MHP Districts shall be permitted in accordance with § 500-2809 of this chapter.
- (2) Commercial outdoor advertising signs. Only one (1) commercial outdoor advertising sign may be erected per premises fronting onto a public right-of-way, provided that:
 - (a) The minimum lot size for a commercial outdoor advertising sign shall be twenty thousand (20,000) square feet. No commercial outdoor advertising signs shall be permitted on any lot or parcel of land where any other activity is conducted or any other principal or accessory use exists.
 - (b) Yard setbacks.
 - [1] Right-of-way. No outdoor advertising sign or any part thereof shall be erected or maintained within fifty feet (50') of the future right-of-way of a public highway.
 - [2] Side or rear yards. No outdoor advertising sign or any part thereof shall be erected or maintained within fifty feet (50') of any side or rear property line.
 - (c) Such sign shall be directed only toward U.S. Route 1 or Super Highway (LR 281).
 - (d) No such sign shall be erected within five hundred feet (500') of any other sign or freestanding sign or residential dwelling.
 - (e) The following minimum landscaping shall be planted adjacent to each such sign:
 - [1] Five (5) evergreen trees, which shall be five (5) to six (6) feet in height, shall be planted within a forty (40) foot radius on the sides and rear of the base of the sign.

- [2] Four (4) flowering trees, which shall be eight (8) to ten (10) feet in height, shall be planted within a fifty (50) foot radius on the sides of the base of the sign.
- [3] One (1) shrub per three (3) lineal feet of frontage or forty (40) shrubs, whichever is greater, shall be planted in front of the sign. Each shrub shall be at least three (3) to four (4) feet in height.

(f) Area and height.

- [1] No outdoor advertising sign shall be permitted to exceed a maximum area of two hundred fifty (250) square feet, including border but excluding supports and decorative trim which is incidental to the copy content of the display itself. A sign having two (2) sides back to back or a V-shaped sign with a horizontal angle not greater than ninety degrees (90°) is permitted one (1) on each side for a total maximum area of five hundred (500) square feet.
- [2] No outdoor advertising sign shall exceed twenty feet (20') in height above the elevation of the highway directly opposite the proposed sign.

ARTICLE XXIX, Nonconformities

§ 500-2901. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

NONCONFORMING LOT -- A lot, the area or dimensions of which were lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE -- A structure or part of a structure which does not comply with the applicable area, dimensional, parking, buffer, environmental or other provisions of this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to enactment of such ordinance or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

§ 500-2902. Continuation.

The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of this chapter, or in the case of an amendment to this chapter, then at the time of such amendment, may be continued except as hereinafter provided, although such use or structure does not conform to the provisions of this chapter or subsequent amendments.

§ 500-2903. Nonconforming lots.

- A. A building may be erected on a vacant lot which is not of the required area or width, provided a certificate of nonconformance has been issued for that lot by the Zoning Hearing Board in accordance with the following:
- (1) A certificate of nonconformance shall be issued for a vacant lot which has been held in single and separate ownership since the effective date of the lot area and width requirements applicable to that lot.
 - (2) If two (2) or more contiguous vacant lots are in a single ownership as of or subsequent to the effective date of this chapter, these lots shall be consolidated to minimize the nonconformity.

- B. If a building is erected or altered on a vacant lot pursuant to a certificate of nonconformance, that building must comply with all applicable area and design requirements except minimum lot area or width. Any other deviation from those requirements shall be permitted only by variance.
- C. Additions to buildings that already exist on a lot that does not have the required minimum area or width for the underlying zoning district may be permitted, subject to compliance with the following procedure:
 - (1) Landowner shall submit an application for registration of a nonconforming lot with the Zoning Officer.
 - (2) Landowner shall establish by submission of chain of ownership records that the lot has been owned in single and separate ownership since the effective date of the lot area and width requirements for the underlying zoning district.

Satisfaction of this requirement shall be solely within the jurisdiction of the Zoning Officer.

§ 500-2904. Extension of nonconforming uses and structures.

- A. A structure that does not conform with the area, dimensional, parking, buffer, environmental and any other requirements of the district and this chapter may be extended by right along the building lines of the existing nonconformity in keeping with all other applicable requirements of this chapter.
- B. A use that does not conform to the use regulations of the district in which it is located may be extended by special exception, provided that:
 - (1) The proposed extension shall take place only upon the lot or contiguous lots held in single and separate ownership at the time the use became nonconforming. Permission to extend a nonconforming use as described in this article shall be construed to mean that a new use or uses may be established. A nonconforming use, including off-street parking areas for such use, shall be prohibited from encroaching on another parcel of land subsequently added to the original parcel.
 - (2) The proposed extension shall conform with the setback, yard, area, dimensional, building height, parking, buffer, sign, environmental and other requirements of the district in which said extension is located, except as permitted in Subsection A above.
 - (3) Any increase in building or floor area shall not exceed an aggregate of more than fifty percent (50%) of the building or floor area, whichever is less, existent at the date the use became nonconforming. Structures or land uses that have reached their maximum expansion allowance under previous ordinances are not eligible for any increase in building or floor area under this chapter. A structure which is nonconforming in terms of height shall not be extended to increase the height.

§ 500-2905. Restoration.

A nonconforming building or any building containing a nonconforming use, wholly or partially destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed, provided that:

- A. A reconstructed building which contained a nonconforming use shall be used for the same nonconforming use except in accordance with § 500-2907.
- B. The reconstructed building shall not exceed in height, area and volume the building destroyed or condemned, except in accordance with § 500-2904.
- C. Reconstruction of the building shall be commenced within one (1) year from the date the building was destroyed or condemned and shall be carried on without interruption.

§ 500-2906. Abandonment.

If a nonconforming use of a building or land is abandoned for a continuous period of one (1) year, subsequent use of such building shall be in conformity with the provisions of this chapter. For the purpose of this chapter, abandonment shall commence when the nonconforming use ceases.

§ 500-2907. Use changes.

- A. A nonconforming use may be changed to another nonconforming use only under all of the following conditions:
 - (1) Such change shall be permitted only as a special exception by the Zoning Hearing Board.
 - (2) The applicant shall show that a nonconforming use cannot reasonably be changed to a permitted use.
 - (3) The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use, with respect to:
 - (a) Traffic generation and congestion, including truck, passenger car, and pedestrian traffic.
 - (b) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
 - (c) Storage and waste disposal.
 - (d) Appearance.
- B. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

ARTICLE XXX, Administration

§ 500-3001. Zoning Officer; duties and powers.

The provisions of this chapter shall be administered and enforced by the Zoning Officer in accordance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247, as amended by Act 170).^{xci}EN The Zoning Officer shall be appointed by the Township Board of Supervisors. It shall be the duty of the Zoning Officer, and he/she shall have the power to:

- A. Receive and examine all applications for zoning permits.
- B. Issue permits only where there is compliance with the provisions of this chapter, with other Township ordinances, and with the laws of the commonwealth and the federal government. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits requiring approval by the Board of Supervisors shall be issued only after receipt of approval from the Board of Supervisors.
- C. Record and file all applications for zoning permits with accompanying plans and documents, and make such reports as the Board of Supervisors may require.
- D. Receive applications for conditional uses, curative amendments and zoning changes, forwarding requests and all pertinent information to the Board of Supervisors, the Planning Commission, and other appropriate agencies.
- E. Receive applications for special exceptions and variances and forward these applications and all pertinent information to the Zoning Hearing Board for action thereon.
- F. Following refusal of a permit, receive applications for interpretation, appeals and variances. These applications and all pertinent information will then be forwarded to the Zoning Hearing Board for action thereon.
- G. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this chapter.
- H. Institute in the name of the Township any appropriate action or civil enforcement proceedings (in accordance with §§ 500-3209 and 500-3210) to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation, so as to prevent the occupancy or use of any building, structure, landscaping or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

- I. Revoke any order or zoning permit issued under a mistake of fact or contrary to the law or the provisions of this chapter.
- J. Maintain a map (or maps) showing the current zoning classification of all land in the Township.

§ 500-3002. Requirement of zoning permits.

A zoning permit shall be secured from the Zoning Officer prior to construction, reconstruction, erection or alteration of any building, structure or portion thereof, any change in the use of a building or land, and prior to the change or extension of a legal nonconforming use. However, a zoning permit shall not be required for the following:

- A. Alteration of an existing building not involving any exterior addition thereto. However, a building permit shall be secured from the Building Inspector for this purpose prior to commencing such an alteration.
- B. Farm buildings situated fifty feet (50) or more from any street or property line, but all such farm buildings shall be erected in conformity with the use, area and height regulations applicable in the district in which such farm buildings are located.

§ 500-3003 Application requirements for zoning permits.

[Amended 8-16-2000 by Ord. No. 00-09]

- A. All requests for zoning permits shall be made in writing by the owner or his authorized agent to the Zoning Officer on a form to be supplied by the Township. Such application shall contain all information required by the Zoning Officer to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this chapter. Such application shall be accompanied by the following information, where applicable:
 - (1) A statement as to the proposed use of the building or land.
 - (2) A plan drawn to scale showing the location, dimensions and height of proposed buildings, structures, or uses and any existing buildings in relation to property lines and street lines.
 - (3) The location, dimensions and arrangement of all open spaces, yards and buffer yards, including methods to be employed for screening.
 - (4) The site layout shall indicate all existing trees which are to be saved, the tree protection zone boundary, and the method by which tree protection will occur.

- (5) The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
 - (6) The dimensions, location and methods of illumination for signs, if applicable.
 - (7) The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
 - (8) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply, and storm drainage.
 - (9) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
 - (10) A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, fire hazards, traffic congestion, or other safety hazards.
 - (11) Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards, or other safety hazards.
 - (12) A plan drawn to scale showing the location, dimensions and topography of any watercourses flowing through or within 100 feet of the tract boundary.
 - (13) Any other data deemed necessary by the Zoning Officer, Planning Commission or the Board of Supervisors to enable them to determine the compliance of the proposed development with the terms of this chapter.
- B. One permit, to be termed either "zoning permit" or "building permit," shall satisfy the requirements of both this chapter and the Township Building Code (Chapter 190, Article II).

§ 500-3004. Issuance of zoning permits.

A zoning permit shall be issued with a one (1) year life and may be renewed yearly without the payment of additional fees for a period of not more than three (3) years, provided that construction pursuant to said permit has commenced within the one (1) year period. The permit shall be numbered and a certification that such permit has been issued shall be given to the permittee in a durable form to be supplied by the Township. The permit shall be prominently displayed on the premises before construction is begun and shall remain there until a certificate of occupancy is granted.

§ 500-3005. Temporary permits.

The Zoning Officer shall issue temporary permits for temporary structures in accordance with the requirements of § 500-2405 of this chapter. Where a special exception is required for a temporary structure, a temporary permit shall be issued only upon order of the Zoning Hearing Board.

§ 500-3006. Fees.

All applicants for zoning permits shall pay a fee in accordance with a fee schedule adopted by resolution of the Board of Supervisors. All such fees shall be paid into the Township's Treasury.

§ 500-3007. Certificates of use and occupancy.

No building hereafter constructed, erected or altered under a zoning permit shall be occupied or used in whole or in part for any use whatsoever and no change in use or occupancy of any building or part of building shall hereafter be made, until the builder, owner or occupant has been issued a certificate of use and occupancy by the Zoning Officer indicating that the building, use or occupancy complies with the terms of the zoning and/or building permit and with the provisions of this chapter. A certificate of use and occupancy shall be granted or denied within ninety (90) days of the date of written application therefor.

ARTICLE XXXI, Zoning Hearing Board and Board of Supervisors

§ 500-3101. Establishment of Zoning Hearing Board.

A Zoning Hearing Board is established in order that the objectives of this chapter be more fully and equitably achieved and a means for competent interpretation of this chapter provided.

§ 500-3102. Membership; terms of office of Zoning Hearing Board.

- A. The Zoning Hearing Board shall consist of five (5) residents of the Township appointed by resolution by the Board of Supervisors. The terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township.
- B. Alternate members. The Board of Supervisors may appoint by resolution at least one (1), but no more than three (3), residents of the Township to serve as alternate members of the Zoning Hearing Board, subject to the following provisions:
 - (1) The term of office of an alternate member shall be three (3) years.
 - (2) Alternate members shall hold no other office in the Township.
 - (3) Any alternate member may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor receive any compensation (if such compensation exists) unless designated as a voting alternate member.
 - (4) If by reason of absence or disqualification of a Zoning Hearing Board member a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate member was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate member shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

§ 500-3103. Removal of members of Zoning Hearing Board.

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§ 500-3104. Organization of Zoning Hearing Board.

[Amended 10-2-2001 by Ord. No. 01-14]

- A. Officers. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
- B. Procedures. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedures consistent with ordinances of the Township and laws of the commonwealth.
- C. Meetings. Meetings shall be open to the public and shall be at the call of the Chairman and at such other times as the Zoning Hearing Board shall specify in its rules of procedure. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive any further action by the Zoning Hearing Board.
- D. Records and decisions. The Zoning Hearing Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be the property of the Township and shall be a public record. The Zoning Hearing Board shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.
- E. Time limits on Zoning Hearing Board decisions. A special exception or variance authorized by a decision of the Zoning Hearing Board shall expire if the applicant fails to obtain a building or use and occupancy permit pursuant thereto within one (1) year from the date of granting of the special exception or variance.
 - (1) If the subject of the use ultimately constitutes either a subdivision or land development, the special exception or variance shall expire if the applicant fails to file the required subdivision or land development plan within one (1) year of the granting of the special exception or variance; provided that, however:
 - (a) The applicant shall have one (1) year after the final record plan of the subdivision or land development is approved to obtain a building/use permit.

§ 500-3105. Expenditures for services of Zoning Hearing Board.

[Amended 4-21-1992 by Ord. No. 92-6]

- A. Each of the five (5) members of the Zoning Hearing Board shall be compensated for the exercise of their duties at a rate of one hundred dollars (\$100.00) per month regardless of the number of duly convened public meetings required to be held during such month.
- B. Alternate members of the Zoning Hearing Board may receive compensation for the performance of their duties in the same manner and amount as regular members when designated as alternate members pursuant to § 500-3102(B) of this chapter.

§ 500-3106. Jurisdictions of Zoning Hearing Board and Board of Supervisors.

- A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - (1) Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to § 500-3114(A)(2) of this chapter.
 - (2) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said chapter.
 - (3) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit or failure to act on the application therefor or the issuance of any cease and desist order.
 - (4) Appeals from the determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain regulations.
 - (5) Applications for variances pursuant to § 500-3107 of this chapter.
 - (6) Applications for special exceptions pursuant to § 500-3108 of this chapter.
 - (7) Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving an application for a subdivision or land development.

- B. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- (1) All applications for subdivision and land development pursuant to the Middletown Township Subdivision and Land Development Ordinance (Chapter 440).
 - (2) Applications for conditional uses pursuant to § 500-3109 of this chapter.
 - (3) Applications for curative amendments pursuant to § 500-3114(A)(2) of this chapter.
 - (4) All petitions for amendments to land use ordinances pursuant to Article XXXII of this chapter.
 - (5) Appeals from the determination of the Zoning Officer or the Municipal Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for subdivision or land development.

§ 500-3107. Zoning Hearing Board; variances.

- A. Applicability. Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall have the power to vary or adapt the strict application of any of the requirements of this chapter, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the chapter or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition on such piece of property, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional and undue hardship upon the owner of such property, but in no other case.
- B. Condition. In general, the power to authorize a variance from the terms of this chapter shall be sparingly exercised and only under peculiar and exceptional circumstances.
- C. Requirements and standards. No variance in the strict application of the provisions of this chapter shall be granted by the Zoning Hearing Board unless the Zoning Hearing Board finds that the requirements and standards are satisfied.
- (1) The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the request for the variance is in conformance with all the requirements and standards listed below.

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
 - (b) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
 - (c) That such unnecessary hardship has not been created by the applicant or that the applicant at the time that he purchased the property was not aware or could not reasonably have been expected to be aware of the zoning classification and restrictions placed on the property or the circumstances giving rise to the hardship.
 - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (2) In granting any variance, the Zoning Hearing Board may attach reasonable conditions and safeguards as may be necessary to implement the purposes of this chapter.

§ 500-3108. Zoning Hearing Board; special exceptions.

- A. Applicability. The Zoning Hearing Board shall have the power to approve special exceptions when this chapter specifically requires the obtaining of such approval and for no other use or purpose.
- B. Conditions and standards. In granting a special exception, the Zoning Hearing Board shall make findings of fact consistent with the provisions of this chapter. The Zoning Hearing Board shall not approve a special exception except in conformance with the conditions and standards outlined in this chapter.

C. General requirements and standards applicable to all special exceptions.

- (1) The Zoning Hearing Board shall grant a special exception only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements listed herein, as well as any specific requirements and standards for the proposed use. The Zoning Hearing Board shall, among other things, require that any proposed use and location be:
 - (a) In accordance with the Comprehensive Plan and § 500-104 of this chapter and consistent with the spirit, purposes and intent of this chapter.
 - (b) In the best interests of the Township, the convenience of the community, the public welfare, and be a substantial improvement to property in the immediate vicinity.
 - (c) Suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
 - (d) Appropriate in terms of its effect upon the logical, efficient and economical extension of public services and facilities such as public water, sewer, police and fire protection, and public schools.
 - (e) Guide the development of state highway frontage insofar as possible so as to limit the total number of access points and encourage the fronting of buildings on parallel marginal roads or on roads perpendicular to the highway.
 - (f) Adequate with regard to sanitation and public safety provisions. Where required or deemed advisable, a certificate of adequacy of sewage and water facilities from a governmental health agency shall be provided.
 - (g) Require that all commercial or industrial parking, loading, access or service areas be adequately illuminated at night while in use, and that such lighting, including sign lighting, shall be arranged so as to protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
 - (h) In conformance with all applicable requirements of this chapter and all municipal ordinances.
 - (i) Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
 - (j) In accordance with sound standards of subdivision and land development practice where applicable.

- (2) The Zoning Hearing Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to ensure that any proposed development will secure substantially the objectives of this chapter.
 - (3) The Zoning Hearing Board shall refuse an application for special exception where opponents to the application establish by a preponderance of evidence that the application is contrary to the health, safety and morals or general welfare of the community at large.
- D. Transportation impact study. A transportation impact study shall be submitted with an application for a special exception when the proposed use meets the applicability criteria set forth in § 500-3205(C) of this chapter.
- (1) The transportation impact study shall be conducted and prepared in accordance with the requirements of § 500-3205(C) of this chapter.
 - (2) The Zoning Hearing Board shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the proposed use. The Zoning Hearing Board shall consider the impact study and the analysis of the impact study before the application is allowed or denied. In acting on the application, the Zoning Hearing Board may, if adverse impacts or major problems are identified:
 - (a) Reject the application.
 - (b) Require specific on- or off-site improvements as a condition of approval.
 - (c) Require the reduction of the intensity of use as a condition of approval.
 - (d) A combination of Subsection D(2)(b) and (c) hereinabove.

§ 500-3109. Board of Supervisors; conditional uses.

[Amended 10-2-2001 by Ord. No. 01-14]

- A. Applicability. The Board of Supervisors shall have the power to approve conditional uses when this chapter specifically requires the obtaining of such approval and for no other use or purpose.
- B. Conditions and standards. In granting a conditional use, the Board of Supervisors shall make findings of fact consistent with the provisions of this chapter. The Board of Supervisors shall not approve a conditional use except in conformance with the conditions and standards outlined in this chapter.

- C. General requirements and standards applicable to all conditional uses. The Board of Supervisors shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements listed herein as well as any specific requirements and standards for the proposed use. The Board of Supervisors shall, among other things, require that any proposed use and location be:
- (1) In accordance with the Comprehensive Plan and § 500-104 of this chapter and consistent with the spirit, purposes, and intent of this chapter.
 - (2) In the best interests of the Township, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity.
 - (3) Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
 - (4) Appropriate in terms of its effect upon the logical, efficient and economical extension of public services and facilities such as public water, sewer, police and fire protection, and public schools.
 - (5) Guide the development of state highway frontage insofar as possible so as to limit the total number of access points and encourage the fronting of buildings on parallel marginal roads or on roads perpendicular to the highway.
 - (6) Adequate with regard to sanitation and public safety provisions. Where required or deemed advisable, a certificate of adequacy of sewage and water facilities from the applicable water/sewer agency and, where necessary, the Bucks County Health Department and/or the Pennsylvania Department of Environmental Protection shall be provided.
 - (7) Require that all commercial or industrial parking, loading, access or service areas be adequately illuminated at night while in use, and that such lighting, including sign lighting, shall be arranged so as to protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
 - (8) In conformance with all applicable requirements of this chapter and all municipal ordinances.
 - (9) Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
 - (10) In accordance with sound standards of subdivision and land development practice where applicable.

- D. The Board of Supervisors may attach such reasonable conditions and safeguards, other than those related to off-site transportation or road improvements, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter.
- E. Review by the Planning Commission. The Board of Supervisors shall request an advisory opinion from the Planning Commission on any application for a conditional use. The Planning Commission shall submit a report of such advisory opinion prior to the date of the public hearing held by the Board of Supervisors on an application.
- F. The Board of Supervisors shall refuse an application for conditional use where opponents to the application establish by a preponderance of evidence that the application is contrary to the health, safety and morals or general welfare of the community at large.
- G. Transportation impact study. A transportation impact study shall be submitted with an application for a conditional use when the proposed use meets the applicability criteria set forth in § 500-3205(C) of this chapter.
 - (1) The transportation impact study shall be conducted and prepared in accordance with the requirements of § 500-3205(C)(2) of this chapter.
 - (2) The Board of Supervisors shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the proposed use. The Board of Supervisors shall consider the impact study and the analysis of the impact study before the application is allowed or denied. In acting on the application, the Board of Supervisors may, if adverse impacts or major problems are identified:
 - (a) Reject the application.
 - (b) Require specific on- or off-site improvements as a condition of approval.
 - (c) Require a reduction of the intensity of use as a condition of approval.
 - (d) A combination of Subsection G(2)(b) and (c) hereinabove.
- H. Conditional use applications shall be governed by the following:
 - (1) The landowner shall make a written request to the Board of Supervisors that it hold a hearing on his application. The request shall contain a statement reasonably informing the Board of Supervisors of the matters that are in issue.

- (2) The application shall be accompanied by plans and other material describing the use or development proposed. Such plans and other materials shall provide a sufficient basis for evaluating the applicant's request. Information required by this chapter shall accompany the application.
 - (3) The Board of Supervisors shall hold a hearing pursuant to public notice upon the request, commencing not later than sixty (60) days after the request is filed, unless the applicant requests or consents in writing to an extension of time. In addition, the Board shall render a written decision within forty five (45) days after the last hearing.
- I. Administration. The Board of Supervisors shall conduct hearings and make decisions in accordance with the procedures and standards set forth in § 500-3111.
 - J. Fees. The applicant for any hearing on a conditional use request before the Board of Supervisors shall at the time of making application pay a fee in accordance with a fee schedule adopted by resolution of the Board of Supervisors or as such schedule may be amended from time to time. In addition, an escrow deposit may be required, as established by resolution of the Board of Supervisors.

§ 500-3110. Zoning Hearing Board; fees and escrow deposits.

- A. The applicant for any hearing before the Zoning Hearing Board shall at the time of making application pay the Zoning Officer, for the use of the municipality, a fee in accordance with a fee schedule adopted by resolution of the Board of Supervisors and as such schedule may be amended from time to time. In addition, an escrow deposit may be required. The escrow deposit requirements shall be set from time to time by resolution of the Board of Supervisors.
- B. The total fees payable for any one (1) application shall be determined by the total number of specific reliefs separately sought, and the inclusion of more than one relief sought in any one application or application form will not avoid the obligation of the applicant to pay the multiple fees in accordance with the adopted fee schedule.
- C. The Zoning Officer shall, subject to the modification of the Board, determine the actual nature and number of specific reliefs sought by any one application. Such determination shall be irrespective of the use by the respective applicant in his application of the descriptive terms "variance," "special exception" or "appeal," unless otherwise so indicated by the application.

§ 500-3111. Zoning Hearing Board; hearings.

Hearings pursuant to this chapter shall be held by the Zoning Hearing Board in accordance with the following requirements.

- A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The Board of Supervisors may prescribe reasonable fees by resolution with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- D. The hearing shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decisions or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person, including civic or community organizations, permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearance in writing on forms provided by the Zoning Hearing Board for that purpose.
- F. The Chairman or Acting Chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- I. The Zoning Hearing Board or the hearing officer, as the case maybe, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- J. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and where all parties have opportunity to participate. The Zoning Hearing Board or the hearing officer shall not take notice of any communication, report, staff memorandum, or other materials, except advice from their solicitor, unless all parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on the provisions of any act of the commonwealth or any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make its report and recommendations available to the parties within forty five (45) days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to the final decision or entry or findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Where the Zoning Hearing Board fails to render its decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has

agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection A of this section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

§ 500-3112. Mediation option.

- A. Parties to proceedings in Articles IX and X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended by Act 170 (PA MPC),^{xcvEN} may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in Articles IX and X-A of the PA MPC once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The municipality shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - (1) Funding mediation.
 - (2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - (3) Completing mediation, including time limits for such completion.

- (4) Suspending time limits otherwise authorized in the PA MPC, provided there is written consent by the mediating parties and by an applicant or municipal decisionmaking body if either is not a party to the mediation.
 - (5) Identifying all parties and affording them the opportunity to participate.
 - (6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - (7) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decisionmaking body pursuant to the authorized procedures set forth in the PA MPC.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

§ 500-3113. Parties appellant before the Zoning Hearing Board.

Appeals under § 500-3106-A(1), (2), (3), (4) and (7) of this chapter may be filed with the Zoning Hearing Board, in writing, by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under § 500-3107 and for special exception under § 500-3108 of this chapter may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

§ 500-3114. Validity of ordinance; substantive questions.

- A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:
- (1) To the Zoning Hearing Board under § 500-3106(A) of this chapter.
 - (2) To the Board of Supervisors under § 500-3106(B)(3) of this chapter, together with a request for a curative amendment.
- B. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desire to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under § 500-3106(A)(1) of this chapter.

- C. The submissions referred to in Subsections A and B shall be governed by the following:
- (1) In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Zoning Hearing Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment, his application to the Board of Supervisors shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary or final approval or for the issuance of a permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.
 - (2) If the submission is made by the landowner to the Board of Supervisors under Subsection A(2), the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.
 - (3) If the submission is made to the Board of Supervisors, the Township Solicitor shall represent and advise it at the hearing or hearings.
 - (4) The Board of Supervisors may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.
 - (5) Based upon the testimony presented at the hearing or hearings, the Board of Supervisors or the Zoning Hearing Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Board of Supervisors is found to have merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board or the Board of Supervisors, as the case may be, shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

- (b) The proposal is for a residential use, the impact of the proposal upon regional housing needs and effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.
 - (c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
 - (d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - (e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
 - (f) The Board of Supervisors or the Zoning Hearing Board, as the case may be, shall render its decision within forty five (45) days after the conclusion of the last hearing.
 - (g) If the Board of Supervisors or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in Subsection C(5)(f), a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.
- D. The Zoning Board or Board of Supervisors, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.
- E. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
- F. The challenge shall be deemed denied when:
- (1) The Zoning Hearing Board or Board of Supervisors, as the case may be, fails to commence the hearing within the time limits set forth in Subsection D.
 - (2) The Board of Supervisors notifies the landowner that it will not adopt the curative amendment.

- (3) The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner.
 - (4) The Zoning Hearing Board or Board of Supervisors, as the case may be, fails to act on the request forty five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and Township.
- G. Where, after the effective date of this chapter, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to § 500-3106(B)(3) of this chapter or a validity challenge is sustained by the Zoning Hearing Board pursuant to § 500-3106(A) of this chapter or the court as finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary approval pursuant to the Subdivision and Land Development Ordinance (Chapter 440). Within the two (2) year period, no subsequent change or amendment in the zoning, subdivision and land development or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one (1) year within which to file for a building permit. Within the one (1) year period, no subsequent change or amendment in the zoning, subdivision and land development or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.
- H. If a municipality does not accept a landowner's curative amendment and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Zoning Ordinance and Map but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

§ 500-3115. Court appeals.

All appeals from all land use decisions rendered pursuant to this article shall be taken to the Court of Common Pleas of the judicial district wherein the land is located and shall be filed within thirty (30) days after entry of the decision or, in the case of a deemed decision, within thirty (30) days after the notice of said deemed decision is given as set forth in § 500-3111(K) of this chapter.

ARTICLE XXXII, Amendments

§ 500-3201. Power of amendment.

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this chapter, including the Zoning Map. When doing so, the Board of Supervisors shall proceed in the manner prescribed in § 3203 of this article.

§ 500-3202. Who may initiate.

Proposals for amendment, supplement, change, modification or repeal may be initiated by the Board of Supervisors on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Each petition by one (1) or more property owners shall be signed and acknowledged and submitted in writing to the Zoning Officer. The applicant(s) for an amendment to the Zoning Map shall submit the information required in § 500-3204, Plan requirements, and § 500-3205, Impact statements.

§ 500-3203. Enactment of zoning ordinance amendments.

- A. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearings.
- B. For an amendment other than that initiated by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- C. If after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- D. The Township shall submit each amendment to the Bucks County Planning Commission at least thirty (30) days prior to the public hearing for recommendations.

- E. The Township may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in § 500-3112 of this chapter.
- F. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Bucks County Planning Commission.

§ 500-3204. Plan requirements.

The request for an amendment to the Zoning Map shall be accompanied by the following information:

- A. A map, drawn to scale, showing the location, boundaries, dimensions, and ownership of land to be rezoned.
- B. A statement outlining the nature, types of uses, general program of development, and other pertinent information with respect to the proposed development of the land to be rezoned.
- C. A plan showing the land areas to be allocated to major use groups and buffer provisions along boundary lines. In addition, such plan shall show the applicant's conception of the entire layout to enable the Board of Supervisors to judge the character and general effectiveness of design of the subject land and its relationship to surrounding areas.

§ 500-3205. Impact statements.

[Amended 3-23-1999 by Ord. No. 99-04]

The following impact statements shall be submitted with all petitions for zoning changes and when required by any other section of this chapter. The submission of a transportation impact study and fiscal impact analysis shall be based on the applicability criteria indicated below. These impact statements will be reviewed by the Township and must be found to be satisfactory prior to approving the use or zoning change. Any improvements identified by the studies will be required improvements at the time approval is granted.

- A. Comprehensive Plan impact. The applicant shall submit an analysis which evaluates the consistency between his proposal and the Township Comprehensive Plan.
- B. Natural resources impact. The applicant shall submit an analysis which evaluates his ability to meet the natural resource protection standards of § 500-2601 of this chapter.

- C. Transportation impact. The applicant shall submit a transportation impact study where the proposed use or development meets one of the following criteria.
- (1) Residential: fifty (50) or more dwelling units.
 - (2) Nonresidential: A proposed use or development which will generate five hundred (500) or more trips per day. The number of trips per day shall be determined through the use of Table 2: Trip Generation Rates.^{xvii}EN The proposed use or development is identified using the columns "Type of Land Use" and "Type of Development." The size of the proposed use or development (gross square footage, number of beds, etc.) is multiplied by the appropriate rate listed in the column "Average Trip Generation Rates" to determine the trips per day.
 - (a) The Middletown Township Planning Commission, at its discretion, may require that the petition for any other zoning change or an application for any other proposed use or development be accompanied by a transportation impact study; provided, however, that the Planning Commission notifies the applicant of such a requirement immediately following the Planning Commission's first meeting to consider the petition or application. Such a notification shall specify the reason for the requirement, citing the proposal's particular location or existing problems or type of use (i.e., generation of heavy truck traffic). The transportation impact study shall be submitted to the Township within thirty (30) days of the date of said notification.
 - (b) The transportation impact study shall be conducted and prepared in accordance with the requirements of the Middletown Township Subdivision and Land Development Regulations (Chapter 440), which are incorporated herein by reference.
 - (c) When within their jurisdiction, the Middletown Township Planning Commission, the Bucks County Planning, the Municipal Engineer, the Zoning Hearing Board and the Board of Supervisors shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the proposed use. The Board shall consider the impact study and the analysis of the impact study before the change of zoning or the application for a proposed use or development is allowed or denied.
- D. Fiscal impact analysis.
- (1) The applicant shall prepare and submit a fiscal impact analysis for the current zoning classification and for the proposed zoning district utilizing the following standards and methodologies. A tract of land containing less than five (5) acres shall be exempted from this requirement.

- (a) The Per Capita Multiplier Method, as defined in The New Practitioner's Guide to Fiscal Analysis (1985), by Robert W. Burchell, David Listokin and William R. Dolphin, shall be used to calculate the fiscal impact of nonresidential development.
 - (b) The Proportional Valuation Method, as defined The New Practitioner's Guide to Fiscal Analysis (1985), by Robert W. Burchell, David Listokin and William R. Dolphin, shall be used to calculate the fiscal impact of nonresidential development.
 - (c) The annual net fiscal impact shall be calculated for the existing zoning district and any proposed zoning district using the above-referenced methodologies.
 - (d) The cumulative net fiscal impact over a ten (10) or twenty (20) year period, depending on the anticipated pace of development, shall be calculated for the existing and proposed zoning districts. The cumulative net fiscal impact analysis shall include reasonable assumptions regarding the pace and timing of development under the existing proposed zoning districts.
 - (e) The fiscal impact analysis will be conducted using the assumptions, parameters and performance standards specified in Subsection D(2) and (3) below unless otherwise permitted by the Board of Supervisors. If the applicant wishes to deviate from any of the assumptions outlined in this chapter, the applicant shall submit an attachment to the fiscal impact study indicating any such deviation together with the applicable supporting data for the Board of Supervisors to consider in its review of the study.
- (2) Nonresidential annual fiscal impact analysis; assumptions and parameters. The following assumptions shall be made and used for calculations involving nonresidential development, whether it be under the existing or proposed zoning district.
- (a) The calculations shall be based on a specific development proposal or the full development potential of the subject property based on a reasonable use of the property and the maximum building coverage and impervious surface ratios permitted by the zoning district. To illustrate the development potential under the existing zoning classification, a conceptual sketch plan shall be included with the submission.
 - (b) The value of the development shall be based on the projected assessed land and building value.

- [1] The projected assessed building and land value may be determined by applying the current county assessment ratio to the projected market value of the proposed nonresidential development. The assessment ratio can be obtained from the Bucks County Board of Assessment.
 - [2] If no reasonable estimate of the projected market value is available for the development alternative under the current zoning classification, the median assessed building value per square foot for building types of the same category constructed in the last seven years in the lower Bucks County area shall be multiplied by the projected number of square feet of building space to determine the projected assessed building value. The projected land assessed value shall be the current assessed land value per acre on the proposed site multiplied by the number of buildable acres.
- (c) Employment projections shall be based on the employee-per-building-square-footage ratios published by the Urban Land Institute for various types of nonresidential uses. The ratios are as follows:
- [1] Two and one-half (2½) employees per one thousand (1,000) square feet of retail space.
 - [2] Three (3) employees per one thousand (1,000) square feet of office space.
 - [3] Two (2) employees per one thousand (1,000) square feet of industrial space.
 - [4] Seven-tenths of one (.7) employee per one thousand (1,000) square feet of hotel space.
 - [5] Four (4) employees per one thousand (1,000) square feet of public sector space.
- (d) Tax and millage rates for the current year shall be obtained from the Township and Neshaminy School District.
- (e) The following revenue sources shall be considered in calculating revenue generated by nonresidential development.
- [1] Property taxes and applicable annual assessment supporting the Township's governmental fund types.

- [2] The real estate transfer tax is a one percent (1%) tax, collected at the time of sale, on the market value of real estate. When applicable, the tax shall be applied on an annual basis to five percent (5%) of the estimated market value of the development, indicating a nonresidential turnover rate of five percent (5%). Revenue from the transfer tax is divided equally between the Township and the School District.
- [3] All applicable taxes and license fees shall be considered in calculating revenue generated by nonresidential development. Taxes levied by the Township and School District include but are not limited to occupational privilege, mercantile, business license, amusement, vending machine and mechanical device. A complete list of taxes can be obtained from the Township and School District.
- [4] Revenue generated by fines, forfeitures, permits and licenses, interest and rent shall be included. The calculations shall follow Burchell's Per Capita Multiplier Method.
- [5] Intergovernmental aid generated for the Township by nonresidential development shall be limited to state subsidy revenue from liquid fuels and foreign fire casualty insurance taxes. If the current state aid formulas are not available, revenue from these sources shall be calculated by determining the per capita revenue from each source, using the Per Capita Multiplier Method, and multiplying the per capita value by: a) the ratio of the total value of the Township's nonresidential property to the total value of all Township property and b) the development's projected number of workers.
- [6] The analysis shall include municipal revenue generated by the nonresidential unit tax or the transportation impact fee, whichever is greater.
- (f) Municipal expenditures for the proposed development are limited to general municipal operating and capital costs generated by the type of development proposed using the Proportional Valuation Method. Specific municipal expenditures subject to consideration under the Proportional Valuation Method shall be total expenditures for the Township's governmental fund types, plus (or minus) net operating transfers from the Township's nongovernmental fund types.
- (g) School District's costs related to nonresidential development shall be assumed to be zero, unless otherwise required by Township officials.

- (3) Residential annual fiscal impact; assumptions and parameters. The following assumptions shall be made and used in the calculations for residential development, whether it be for the existing or proposed zoning district.
 - (a) The calculations shall be based on a specific development proposal or the full development potential of the subject tract based on a reasonable use of the property at the maximum density permitted by the zoning district. To illustrate the development potential under the existing zoning district, a conceptual sketch plan shall be included with the submission.
 - (b) The value of the development shall be based on the projected assessed value.
 - [1] The projected assessed building and land value may be determined by applying the current county assessment ratio to the projected market value of the proposed residential development. The assessment ratio can be obtained from the Bucks County Board of Assessment.
 - [2] If no reasonable estimate of the projected market value is available for the development alternative under the current zoning classification, the maximum number of permitted housing units multiplied by the median sales price for new housing units sold in the Township of the type proposed or permitted shall represent the estimated market value. Information on median housing prices for the current year is available from the Bucks County Housing Prices and Affordability Study (current edition) prepared by the Bucks County Planning Commission.
 - (c) Population projections shall be based on the demographic multipliers for the Northeast United States published in the most recent American Housing Survey. The population projections should calculate the following:
 - [1] Total population created by the development based on the Demographic Multipliers for the Northeast for Common Configurations of Standard Housing Types for Total Household Size.
 - [2] Total school age population projected for the development based on the Demographic Multipliers for the Northeast for Common Configurations of Standard Housing Types for School-Age Children.

- [3] Total projected public school enrollment based on that portion of school-age children attending the Neshaminy School District.
- (d) Tax and millage rates for the current year shall be obtained from the Township and Neshaminy School District.
- (e) The following revenue sources should be considered in calculating revenue generated by residential development:
 - [1] Property taxes and applicable annual assessments supporting the Township's governmental fund types.
 - [2] The real estate transfer tax is a one percent (1%) tax, collected at the time of sale, on the market value of real estate. The tax shall be applied on an annual basis on ten percent (10%) of the estimated market value of the property, using a residential turnover rate of ten percent (10%). Revenue from the transfer tax is divided equally between the Township and the School District.
 - [3] The annual fee for municipal solid waste collection and the per capita tax shall be considered in calculating revenue generated by residential development.
 - [4] Revenues generated by fines, forfeitures, permits and licenses, interest and rents shall be included. The calculations shall follow Burchell's Per Capita Multiplier Method.
 - [5] Intergovernmental aid generated for the Township by residential development shall be limited to state subsidy revenue from liquid fuels and foreign fire casualty insurance taxes. If the current state aid formulas are not available, the Per Capita Multiplier Method shall be used to derive Township revenues from these intergovernmental sources. Revenue from these sources shall be calculated by determining the per capita revenue from each source, using the Per Capita Multiplier Method.
- (f) Municipal expenditures for the proposed development are limited to general municipal operating and capital costs generated by the type of development proposed using the Per Capita Multiplier Method noted in *The New Practitioner's Guide to Fiscal Analysis*. Specific municipal expenditures subject to consideration under the Per Capita Multiplier Method shall be total expenditures from the Township's governmental fund types, plus (or minus) net operating transfers from the Township's nongovernmental fund types.

(g) School District revenues and expenditures.

- [1] Tax rates for the current year shall be obtained from Neshaminy School District.
- [2] Intergovernmental aid generated by residential development shall be limited to revenue sources where changes in the number of pupils enrolled in the School District directly impact the level of intergovernmental or other nonlocal aid. Such revenue sources include, but are not limited to, the Pennsylvania basic per pupil subsidy and state transportation subsidies.
- [3] School District expenditures shall be calculated in accordance with the Per Capita Multiplier Method in The New Practitioner's Guide to Fiscal Analysis.

§ 500-3206. Applicability of ordinance amendments.

[Added 10-2-2001 by Ord. No. 01-14]

When an application for either a special exception or a conditional use has been filed with either the Zoning Hearing Board or Board of Supervisors, as relevant, and the subject matter of such application would ultimately constitute either a land development or a subdivision, as defined in § 107 of the Municipalities Planning Code (MPC), no change or amendment of the zoning, subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by either the Zoning Hearing Board or Board of Supervisors, as relevant, applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of one (1) year or longer, as may be approved by either the Zoning Hearing Board or Board of Supervisors, following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before either the Zoning Hearing Board or Board of Supervisors, as relevant. If either a land development or subdivision is so filed within said period, such plan shall be subject to the provisions of Municipalities Planning Code § 508(1) through (4) and specifically as to the time limitations of Municipalities Planning Code § 508(4), which shall commence as of the date of filing such land development or subdivision plan. Said five (5) year period as set forth in Municipalities Planning Code § 508(4) shall be extended for the duration of any litigation or a sewer or utility moratorium imposed subsequently to the filing of the application for preliminary approval of a plat.

ARTICLE XXXIII, Enforcement

§ 500-3301. Jurisdiction.

Unless otherwise provided by law or in this chapter, no building or structure shall be constructed, erected or extended, and no building, structure, or land shall be used or occupied, except for the purposes permitted herein.

§ 500-3302. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the Zoning Officer may institute in the name of the Township any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

§ 500-3303. Enforcement notice.

- A. The Zoning Officer is hereby authorized and directed to enforce the provisions of this section and to institute civil enforcement proceedings as provided for in § 500-3201 when acting within the scope of his employment.
- B. If it appears that a violation of this chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state the following:
 - (1) The name of the owner of record and any other person against whom the municipality intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - (4) That the owner of record or other person against whom the municipality intends to take action has five (5) days to commence steps to comply with this chapter and thirty (30) days within which to complete such steps to be in compliance with this chapter, unless such times are extended in writing by the Zoning Officer for cause shown.

- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the enforcement notice or not later than the expiration of any extension granted, in writing, by the Zoning Officer.
- (6) That the failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with sanctions clearly described.

§ 500-3304. Enforcement remedies.

- A. Any person, partnership or corporation who or which has violated any of the provisions of this chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs plus reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that the violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per-diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

Zoning Chapter 500 – Attachment 1

Table 2: Trip Generation Rates

Type of Land Use	Type of Development	Average Trip Generation Rates	Weekday												Saturday			
			Peak Hour Rates of Generator						Peak Hour of Adjacent Street Traffic						Average Trip Generation Rates	Peak Hour of Generator		
			A.M.			P.M.			A.M. (7:00 to 9:00)			P.M. (4:00 to 6:00)				In	Out	Total
			In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total				
Residential	Single-family detached	10.0 trips per DU	0.21	0.55	0.76	0.63	0.37	1.00	0.21	0.55	0.76	0.63	0.37	1.00	10.1 trips per DU	0.50	0.44	0.96
	Townhouse, multiplex, duplex, patio and atrium*	5.2 trips per DU	0.07	0.37	0.41	0.37	0.18	0.51	0.07	0.37	0.41	0.37	0.18	0.51	5.3 trips per DU	0.26	0.22	0.44
	Garden apartment, 1 or 2 floors	6.6 trips per DU	0.1	0.4	0.6	0.4	0.2	0.7	0.1	0.4	0.5	0.4	0.2	0.6	7.2 trips per DU	0.3	0.3	0.6
	Mid- and high-rise apartment, 3 or more floors	4.0 trips per DU	—	—	—	—	—	—	0.1	0.2	0.3	0.2	0.2	0.4	—	—	—	—
	Mobile home	4.8 trips per DU	0.16	0.38	0.46	0.29	0.22	0.59	0.13	0.38	0.46	0.29	0.18	0.59	4.7 trips per DU	0.24	0.22	0.52
	Retirement community	3.3 trips per DU	—	—	0.4	—	—	0.4	—	—	0.4	—	—	0.4	2.6 trips per DU	—	—	—
	Planned unit development	7.8 trips per DU	0.1	0.5	0.7	0.5	0.3	0.8	0.1	0.5	0.7	1.5	0.3	0.8	8.0 trips per DU	—	—	—
Commercial	Shopping center																	
	0 to 49,999 GSF	117.8/1,000 GSF	2.07	2.03	8.88	8.84	7.03	15.51	0.91	0.80	2.93	5.77	5.81	14.42	—	3.20	9.75	12.72
	50,000 to 99,999 GSF	82.0/1,000 GSF	3.0	2.9	7.5	3.9	3.8	9.3	1.4	1.3	2.4	3.2	3.4	7.8	107.0/1,000 GSF	5.1	5.3	11.1
	100,000 to 199,999 GSF	66.7/1,000 GSF	2.6	2.5	5.3	3.6	3.5	6.6	0.9	0.8	1.7	2.9	3.1	5.9	112.4/1,000 GSF	4.4	4.1	8.9
	200,000 to 299,999 GSF	50.6/1,000 GSF	2.0	2.2	3.9	2.5	2.7	5.2	0.4	0.2	0.6	2.1	2.2	4.8	74.2/1,000 GSF	3.5	3.3	8.8
	300,000 to 399,999 GSF	41.9/1,000 GSF	3.0	3.0	3.5	3.7	3.6	4.8	1.6	0.7	2.3	3.1	3.3	5.5	69.6/1,000 GSF	3.8	3.6	7.2
	400,000 to 499,999 GSF	49.7/1,000 GSF	2.0	1.8	3.7	2.2	2.1	4.9	0.3	0.2	0.5	1.9	1.9	4.9	61.4/1,000 GSF	2.4	2.6	5.2
	500,000 to 599,999 GSF	37.2/1,000 GSF	1.40	1.35	2.54	1.68	1.81	3.83	0.38	0.23	0.61	1.59	1.65	3.12	45.3/1,000 GSF	2.30	2.35	4.67
	1,000,000 to 1,249,999 GSF	37.1/1,000 GSF	—	1.5	—	3.0	1.9	4.7	—	—	—	1.4	1.9	—	39.2/1,000 GSF	—	2.1	3.3
	Over 1,250,000 GSF	34.1/1,000 GSF	1.20	1.39	1.94	1.42	1.76	2.93	0.36	0.13	0.49	1.10	1.41	2.51	39.0/1,000 GSF	1.83	2.23	3.84
	Discount store	70.1/1,000 GSF	—	—	5.59	2.60	2.40	6.97	—	—	0.51	1.4	1.9	3.79	72.7/1,000 GSF	—	—	6.89
	Restaurant																	
	Quality restaurant	2.34 trips per seat	—	—	—	0.16	0.15	0.24	0.03	0.02	0.02	0.09	0.05	0.14	2.60 trips per seat	0.22	0.28	0.59
	High turnover	74.9/1,000 GSF	6.48	1.14	6.70	7.71	2.60	10.35	0.85	0.46	1.02	2.74	1.69	6.14	99.2/1,000 GSF	9.38	5.8	10.94
	Sit-down	164.4/1,000 GSF	10.1	5.5	15.7	13.0	9.2	22.2	—	—	47.5	9.9	4.0	10.5	67.8/1,000 GSF	—	—	10.0
	Drive-in restaurant	553.0/1,000 GSF	—	—	—	44.4	41.9	78.8	49.7	40.2	89.9	17.0	14.6	31.6	—	—	—	—
	Supermarket	125.5/1,000 GSF	—	—	—	5.97	6.73	15.7	0.36	0.16	0.54	4.54	4.29	8.82	—	6.17	5.83	11.9
	Office																	
	General office building	12.3/1,000 GSF	1.86	0.35	2.32	0.27	1.36	2.20	1.86	0.35	2.32	0.27	1.36	2.20	3.34/1,000 GSF	0.19	0.2	0.1
	0 to 99,999 GSF	17.7/1,000 GSF	2.23	0.45	2.92	0.36	1.88	2.84	1.45	0.25	2.50	0.19	1.14	2.82	2.4/1,000 GSF	—	—	0.48
	10,000 to 199,999 GSF	14.3/1,000 GSF	1.87	0.22	2.00	0.44	1.76	2.03	1.87	0.22	2.00	0.44	1.76	2.03	3.5/1,000 GSF	0.22	0.19	0.45
	Over 200,000 GSF	10.9/1,000 GSF	1.81	0.34	2.18	0.23	1.70	2.04	—	—	—	—	—	—	—	—	—	—
	Medical office building	54.6/1,000 GSF	2.68	4.51	5.30	3.47	5.17	2.79	0.64	0.21	0.85	0.89	3.05	3.94	34.7/1,000 GSF	—	4.3	—
	Government office building	68.93/1,000 GSF	4.92	0.96	5.88	8.20	2.83	11.03	4.92	0.96	5.88	—	—	—	—	—	—	—

Type of Land Use	Type of Development	Average Trip Generation Rates	Weekday												Saturday			
			Peak Hour Rates of Generator						Peak Hour Adjacent Street Traffic						Average Trip Generation Rates	Peak Hour Generator		
			A.M.			P.M.			A.M. (7:00 to 9:00)			P.M. (4:00 to 6:00)				In	Out	Total
			In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total				
	Office park	20.65/1,000 GSF	1.96	0.28	2.63	0.33	1.84	2.38	1.96	0.26	2.63	0.33	1.84	2.38	—	—	—	—
	Research center	5.3/1,000 GSF	—	—	2.5	—	—	2.1	2.5	0.2	1.2	0.1	0.9	0.9	1.8/1,000 GSF	—	—	—
	Hotel	10.5 trips per occupied room	—	—	0.90	—	—	0.87	0.58	0.29	0.85	0.36	0.37	0.73	8.1 trips per occupied room	—	—	0.67
	Motel	10.14 trips per occupied room	—	—	0.81	—	—	0.83	—	—	0.74	—	—	0.65	8.86 trips per occupied room	—	—	0.76
	Specialty retail center	40.7/1,000 GSF	1.99	—	—	2.25	—	—	—	—	—	—	—	—	42.0/1,000 GSF	2.91	—	—
	Hardware/paint store	51.3/1,000 GSF	—	—	5.1	—	—	5.2	—	—	1.1	—	—	4.9	—	—	—	11.2
	New car sales	47.5/1,000 GSF	2.88	2.30	6.00	2.65	2.42	—	2.12	2.94	3.88	1.76	2.32	4.58	20.9/1,000 GSF	—	1.76	—
	24-hour open convenience market	625.2/1,000 GSF	—	—	54.8	—	—	46.8	—	—	54.8	—	—	46.7	—	—	—	—
	Wholesale	6.73/1,000 GSF	—	—	0.58	—	—	0.52	—	—	0.50	—	—	0.21	1.59/1,000 GSF	—	—	0.18
	Service station**	133.0/pump or 748.0/station	—	—	21.00	—	—	25.00	—	—	—	—	—	—	—	—	—	—
Industrial/Agricultural	General light industrial	5.46/1,000 GSF	—	—	—	0.32	0.69	1.13	0.85	0.15	1.11	0.32	0.63	1.18	3.09/1,000 GSF	—	—	0.62
	General heavy industrial	1.50/1,000 GSF	—	—	0.69	—	—	0.68	—	—	0.51	—	—	0.19	—	—	—	—
	Industrial park	7.00/1,000 GSF	0.59	0.10	0.83	0.28	0.47	0.89	0.54	0.16	0.93	0.18	0.59	0.99	2.73/1,000 GSF	0.13	0.18	0.35
	Manufacturing	3.86/1,000 GSF	0.79	0.40	0.78	0.52	0.59	0.75	—	—	0.78	0.52	0.39	0.75	1.49/1,000 GSF	—	—	0.28
	Warehousing	4.86/1,000 GSF	—	—	1.61	—	—	1.63	—	—	0.66	—	—	1.63	—	—	—	—
	Mini warehousing	2.80/1,000 GSF	—	—	0.26	—	—	0.32	—	—	0.17	—	—	0.29	2.5/1,000 GSF	—	—	0.40
Institutional	Library	41.80/1,000 GSF	1.10	1.10	2.60	3.00	2.70	6.70	—	—	—	—	—	—	33.6/1,000 GSF	1.70	1.30	3.80
	Elementary school	1.02 trips per student	0.11	0.05	0.26	0.04	0.07	0.24	—	—	0.15	—	—	0.03	—	—	—	—
	High school	1.39 trips per student	0.19	0.07	0.30	0.07	0.13	0.27	—	—	0.27	—	—	0.20	0.77 trips per student	0.11	0.04	0.15
	Junior community college	1.55 trips per student	0.16	0.03	0.18	0.05	0.11	0.16	0.15	0.02	0.18	0.04	0.08	0.12	—	—	—	—
	Hospital	11.4 trips per bed	0.94	0.40	1.18	0.65	0.94	1.36	0.73	0.78	1.01	0.46	0.81	1.17	9.3 trips per bed	—	—	0.69
	Nursing home	2.6 trips per bed	—	—	0.20	0.20	0.23	0.38	—	—	0.14	0.05	0.16	0.21	2.1 trips per bed	—	—	0.37
Services	Bank (walk-in)	169.0/1,000 GSF	—	—	33.2	7.0	7.0	35.8	—	—	4.4	5.9	5.9	16.7	14.8/1,000 GSF	—	—	5.2
	Bank (drive-in)	192.0/1,000 GSF	15.3	15.3	27.7	17.6	15.7	28.4	3.0	0.3	5.4	14.0	15.1	25.3	8.3/1,000 GSF	—	—	—
	Savings and loan (walk-in)	61.0/1,000 GSF	—	—	9.3	—	—	9.7	—	—	1.3	—	—	5.3	109.0/1,000 GSF	—	—	19.7
	Savings and loan (drive-in)	74.0/1,000 GSF	—	—	9.3	—	—	9.7	—	—	1.0	—	—	6.8	28.0/1,000 GSF	—	—	5.3
	Insurance	11.5/1,000 GSF	—	—	2.3	—	—	2.4	—	—	2.3	—	—	2.4	2.1/1,000 GSF	—	—	0.5
Terminal	Truck terminal	9.86/1,000 GSF	0.36	0.54	0.90	0.35	0.47	0.82	0.36	0.54	0.90	0.35	0.47	0.82	1.89/1,000 GSF	0.11	0.18	0.29

Source: Trip Generation, Institute of Transportation Engineers, 1982.

DU = Dwelling unit
GSF = Gross square feet
() = Data not available

* Development type names revised from ITE Manual.

** Source: Transportation and Traffic Engineering Handbook, second edition. Institute of Transportation Engineers, 1982.

These rates shall be reviewed by the Township Planning Commission for any changes that may be appropriate. The applicant is required to use the above rates where applicable. Where the appropriate data is not available, the developer shall provide the rates and document the appropriate source. If the developer requests to use significantly different rates than those given, he shall submit the rates with the specific justification to the Township Planning Commission prior to submission of the transportation impact study for its approval or denial.

Zoning Chapter 500 – Attachment 1

Zoning Map Amendments

Ord. No.	Date	Description
93-08	5-25-1993	Reclassifying from RA-2 Residence Agricultural District to the OR Open Recreational District Bucks County Tax Map Parcel No. 22-31-36-2
93-13	10-12-1993	Reclassifying from R-1 Residential District to R-2 Residential District Bucks County Uniform Parcel Identifier: Tax Parcel No. 22-40-14
95-10	4-25-1995	Reclassifying from C Commercial to RC Retirement Community the parcel of land known as Bucks County Tax Map Parcel Number 22-31-66, which is located at the intersection of Township Line Road and Big Oak Road
95-14	8-8-1995	Reclassifying from R-1 Residential to CS Shopping Center a parcel of land known as Bucks County Uniform Parcel Identifier Tax Map Number 22-21-74 and the northerly edge of Tax Parcel No. 22-21-73; and from M-1 Manufacturing to CS Shopping Center the balance of Tax Parcel 22-21-73, which are located at Route 213 and North Flowers Mill Road
95-18	12-5-1995	Reclassifying from R-2 Residential to P Professional a parcel of land known as Bucks County Uniform Parcel Identifier Tax Parcel No. 22-44-67, which is located at the southwestern corner of the intersection of Woodburne Road and Second Street
96-07	9-16-1996	Reclassifying from R-2 Residential to OR Open Recreation a parcel of land known as Bucks County Uniform Parcel Identifier Tax Map No. 22-9-105-1, which is located at the corner of West Maple Avenue and Beechwood Avenue and is known as Beechwood Park
96-08	9-16-1996	Reclassifying from OC Office Campus to CS Shopping Center the parcels of land known as Bucks County Uniform Parcel Identifier Tax Parcel Nos. 22-40-26 and 22-57-48, which are located on the southern side of Lincoln Highway across from Oxford Valley Mall

01-01	1-23-2001	Reclassifying from RA-3 Residence Agricultural and M-1 Light Manufacturing to RA-3 Residence District Bucks County Tax Map Parcel Nos. 22-21-44, 22-21-45, 22-21-46, 22-21-46-2 and 22-21-47
01-02	1-23-2001	Reclassifying from RA-3 Residence Agricultural, R-1 Residence, R-2 Residence, RC Retirement Community and M-1 Light Manufacturing to OR Open Recreation certain tracts of land identified as Bucks County Tax Map Parcel Nos. 22-19-80, 22-19-81, 22-26-17, 22-31-41-2, 22-31-43, 22-31-49, 22-31-50, 22-31-51, 22-31-104, 22-54-15-1, 22-50-223-1, 22-31-66 and 22-21-43-1
01-05	3-27-2001	Reclassifying from R1 Residence District to C Commercial a tract of land known as Bucks County Tax Parcel No. 22-059-020, which is located on New Falls Road between Durham and New Rodgers Roads
01-10	8-7-2001	Reclassifying from M-1 Light Manufacturing District to P Professional District the tract of land known as Bucks County Tax Parcel Nos. 22-57-1-1 and 22-57-1-2, which are located along Woodbourne Road, and reclassifying from R-1 Residence District to P Professional District two parcels of land known as Bucks County Tax Parcel Nos. 22-57-1 and 22-57-2, which are located along Woodbourne Road
01-12	10-2-2001	Reclassifying from RA-2 Residential Agricultural District and RA-3 Residential Agricultural District to RC Retirement Community District a tract of land known as Bucks County Tax Parcel No. 22-4-4-2, which is located along Newtown-Langhorne Road, Route 413, in Pennswood Village
01-15	10-23-01	Reclassifying from RA-1 Residence Agricultural District to AQC Age-Qualified Community District a tract of land known as Bucks County Tax Parcel No. 22-31-27 and a portion of Bucks County Tax Parcel No. 22-31-25

*Township of Middletown, Bucks County, Pennsylvania
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03-03	3-11-2003	Reclassifying from C Commercial to R-2 Residential, three tracts of land known as Bucks County Tax Parcel Nos. 22-008-062, 22-008-063 and 22-008-081, which are located along the corner of Redwood Avenue and Periwinkle Avenue, and reclassifying from C Commercial to OR Open Recreation a tract of land known as Bucks County Tax Parcel No. 22-008-082, which constitutes a portion of Periwinkle Park
05-01	3-15-2005	Reclassifying from the M-1 Light Manufacturing District to the P Professional District a tract identified as Bucks County Tax Parcel No. 22-057-023-001
06-08	5-2-2006	Reclassifying from the R-1 and M-1 Zoning Districts to the MR Multi Residential Zoning District two parcels of land identified as Bucks County Tax Parcel Nos. 22-21-76 and 22-21-77
06-13	9-12-2006	Reclassifying from the R-1 and M-1 Zoning Districts to the MR Multi Residential Zoning District a parcel of land identified as Bucks County Tax Parcel No. 22-57-4
08-04	5-20-2008	Reclassifying from the M-1 and MHP Zoning Districts to the MR Multi Residential Zoning District certain parcels identified as Bucks County Tax Parcel Nos. 20-032-048, 22-057-028-001 and 22-057-038-001; and reclassifying from the MHP Zoning District to the C Commercial Zoning District certain parcels of land identified as Bucks County Tax Parcel Nos. 22-057-026-002 and 22-057-040