

**TOWNSHIP OF WARMINSTER
BUCKS COUNTY, PENNSYLVANIA
ORDINANCE NO. 762**

AN ORDINANCE OF THE TOWNSHIP OF WARMINSTER, BUCKS COUNTY, COMMONWEALTH OF PENNSYLVANIA, CONSTITUTING A COMPREHENSIVE AMENDMENT OF THE WARMINSTER TOWNSHIP ZONING ORDINANCE, AS AMENDMED AND AS CODIFIED IN THE CODE OF ORDINANCES OF WARMINSTER TOWNSHIP, AND A COMPREHENSIVE REVISION OF THE WARMINSTER TOWNSHIP ZONING MAP, REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; CONTAINING A SAVINGS CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of Warminster Township, Bucks County, Pennsylvania, has enacted the Warminster Township Zoning Ordinance, which is codified in Chapter 27 of the Code of Ordinances of Warminster Township; and

WHEREAS, the Board of Supervisors has determined that it is in the best interests of Warminster Township to revise the Zoning Ordinance in order to revise definitions of terms used in the Zoning Ordinance; to revise the classification of zoning districts; to revise the uses permitted within each zoning district; to revise the classifications and types of uses permitted within the Township and certain regulations governing such uses; to revise the general regulations applicable to all uses and districts; and to revise regulations pertaining to off street parking and loading and signs; to revise regulations pertaining to changes in nonconformities and exceptions to the Zoning Ordinance; to adopt a comprehensive revision to the Township's Zoning Map; and to make editorial and clarifying amendments throughout the Zoning Ordinance.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Supervisors of Warminster Township, Bucks County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by authority of same that Chapter 27 of the Code of Ordinances of Warminster Township is amended as shown in a revised Zoning Ordinance attached hereto as Exhibit A and incorporated herein by reference as though set forth in its entirety herein and as shown in the revised Zoning Map, attached hereto as Exhibit B and incorporated herein by reference as though set forth in its entirety herein.

All provisions of the Code of Ordinances of Warminster Township and the Warminster Township Zoning Ordinance unaffected by this Ordinance are declared to be in full force and effect. Any provisions of the Code of Ordinances of Warminster Township and the Warminster Township Zoning Ordinance inconsistent with the provisions of the Ordinance are hereby repealed to the extent of the inconsistency.

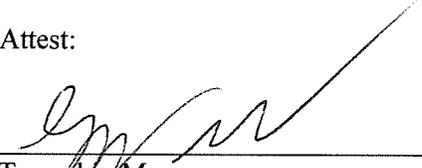
The provisions of this Ordinance are declared to be severable and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the Board of Supervisors hereby declares the intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

(SIGNATURES ON NEXT PAGE)

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Warminster Township.

ENACTED and ORDAINED this 7th day of May, 2020.

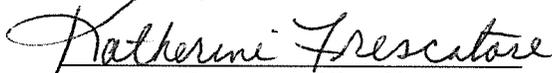
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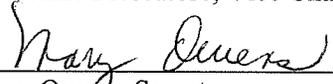
Township Manager

BOARD OF SUPERVISORS:

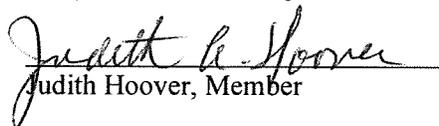
Kenneth Hayes, Chairman



Katherine Frescatore, Vice Chairwoman



Mary Owens, Secretary



Judith Hoover, Member

Mark McKee, Member

EXHIBIT A

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 27

Zoning

GENERAL REFERENCES

Buildings — See Ch. 4.

Code enforcement — See Ch. 5.

Housing — See Ch. 11.

Licenses, permits and general business regulations — See Ch. 13.

Streets and sidewalks — See Ch. 21.

Subdivision and land development — See Ch. 22.

Trees — See Ch. 25.

Water and stormwater management — See Ch. 26.

Part 1

General Provisions

§ 27-100 **Long title.**
[Ord. 689, 9/10/2009]

The title of this chapter is "An ordinance regulating and restricting the height, number of stories, and size of buildings and other structures, their construction, alteration, extension, repair, maintenance and all facilities and services in or about such buildings and structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purpose, and the establishment and maintenance of building lines and setback building lines upon any or all public roads or highways of the Township of Warminster."

§ 27-101 **Short title.**
[Ord. 689, 9/10/2009]

This chapter shall be known as and may be cited as the "Warminster Township Zoning Ordinance."

§ 27-102 **Purpose.**
[Ord. 689, 9/10/2009]

The purposes of this chapter are the promotion of the public health, safety, morals or the general welfare and:

A. To promote, protect, and facilitate the public health, safety, and general welfare; coordinated and

practical community development and proper density of population; emergency management preparedness and operations; the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities and public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use; as well as preservation of the natural, scenic and historic values of the environment and preservation of forests, wetlands, aquifers and floodplains.

- B. To prevent overcrowding of land, blight, danger and congestion in travel and transportation and loss of health, life or property from fire, flood, panic or other dangers in accordance with an overall program and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.
- C. To provide standards to control the amount of open space and impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.
- D. To provide methods to implement Article I, Section 27, of the Constitution of the Commonwealth of Pennsylvania, which decrees that the people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and aesthetic values of the environment, and to protect natural resources which are a part of the ecological system to which we are all bound and, therefore, are the common property of all the people, including generations yet to come, and must be protected to insure the health, safety and welfare of all the people.
- E. To provide for the use of land for commerce, industry, institutions, and residential housing of various dwelling types and reasonable overall community growth.
- F. To regulate the growth of the Township.
- G. To lessen the danger and congestion of traffic on the roads and highways.
- H. To protect the Township's historic buildings and historic resources.
- I. To give effect to policies and proposals of the Comprehensive Plan of Warminster Township of current adoption:
 - (1) To protect the natural environments.
 - (2) To provide a variety of housing opportunities.
 - (3) To help maintain the tax base.
 - (4) To provide and maintain efficient public services and facilities.
 - (5) To maintain and enhance the transportation system.
 - (6) To maintain and enhance the character of Township neighborhoods.
 - (7) To enhance the historic integrity of villages and protect historic resources.
- J. To encourage practices that save energy, reduce harmful environmental impacts, reduce reliance on fossil fuels, and encourage greener practices in overall community development.

§ 27-103 Interpretation.

[Ord. 689, 9/10/2009; amended by Ord. 711, 9/20/2012]

1. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this chapter, the provisions of such statute, ordinance, or regulation shall be controlling.
2. Nothing contained in the provisions of this chapter shall be interpreted or construed to permit discrimination against any person who suffers from a "handicap" as that term is defined in § 3602(h) of the Fair Housing Act [42 U.S.C. § 3602(h)] and is protected as such from discrimination under the provisions of § 3604(f) thereof [42 U.S.C. § 3604(f)], and the Zoning Officer is hereby authorized to make reasonable accommodation in the interpretation, application and enforcement of the provisions of this chapter and any rules, policies, practices or services implemented in conjunction therewith when such accommodation may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

27-104 Exemption of Township properties.

The provisions of Chapter 27 of the Code of the Township of Warminster, also known as the "Warminster Township Zoning Ordinance," as amended, shall not apply to any tracts, lots or parcels of land situate in Warminster Township which are presently owned or leased by Warminster Township. The Zoning Ordinance, as amended, shall not apply to any sign or signs installed within the Township and its rights-of-way, either of a temporary or permanent nature, when installed at the direction or authorization of the Township Manager or Board of Supervisors. Any tracts, lots or parcels of land which are or may be acquired by Warminster Township in the future, after acquisition by the Township and so long as held by the Township or an authority which may hereinafter be created by and through the powers of the Board of Supervisors of Warminster Township, shall be exempt from the application of regulations of the Zoning Ordinance of Warminster Township or any subsequent amendments thereto for so long as the tracts, parcels or lots of ground are held in such Township ownership.

§ 27-105 Severability. [Ord. 689, 9/10/2009]

It is hereby declared to be the intent of the Township of Warminster that:

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

Part 2

Terminology

§ 27-200 **Word usage.** [Ord. 689, 9/10/2009]

1. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose 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 a corporation, partnership, and association, as well as the individual.
 - D. The word "lot" includes the word "plot" or "parcel."
 - E. The term "shall" is always mandatory.
 - F. The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be occupied."
 - G. The word "Supervisors" and the words "Board of Supervisors" always mean the Warminster Township Board of Supervisors.
 - H. The word "Commission" and the words "Planning Commission" always mean the Warminster Township Planning Commission.
 - I. The word "Board" or the words "Zoning Hearing Board" always mean the Warminster Township Zoning Hearing Board.
 - J. The words "Zoning Officer" always mean the Warminster Township Zoning Officer.
3. Any word or term not defined herein shall be used with a meaning of standard usage.

§ 27-201 **Definitions.** [Ord. 689, 9/10/2009]

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

ACCESSORY BUILDING

See "building."

ACCESSORY USE

See "use."

ALTERATIONS

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

ALTERNATIVE THERAPY

Includes the following:

[Added by Ord. 733, 9/15/2016]

- A. The practice of an individual who uses touch to manipulate the energy systems, acupoints, Qi meridians, or channels of energy of the human body while engaged within the scope of practice of a profession with established standards and ethics. Such practices include acupressure, Asian bodywork therapy, polarity therapy bodywork, quigon, reiki, shiatsu, and tui na.
- B. Reflexology.
- C. The practice of an individual who uses touch, words, and directed movement to deepen awareness of existing patterns of movement in the body and to suggest new possibilities of movement, while engaged within the scope of practice of a profession with established standards and ethics.
- D. Any massage-like activity that does not meet the definition of "massage therapy" set forth hereinafter.

ALTERNATIVE THERAPY PROVIDER

Any establishment where alternative therapy is administered for the payment of a fee or other compensation or consideration, but not including: a hospital; nursing home; medical clinic; the office of a physician, surgeon, physical therapist, chiropractor, or osteopath currently licensed as such by the Commonwealth of Pennsylvania; barbershops or practices licensed by the Department of Cosmetology; or any athletic program of accredited junior and senior high schools or colleges in which a massage is administered by a trainer within the scope of such athletic program.

[Added by Ord. 733, 9/15/2016]

ANTENNA

Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include "tower-based wireless communications facilities" defined below.

[Amended by Ord. 718, 3/20/2014]

AREA

- A. **BUILDING AREA** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.
- B. **GROSS FLOOR AREA** The sum of the areas of the several floors of building structure, including areas used for human occupancy and basements, attics, and penthouses, as measured from the exterior faces of the walls. Within residential districts, "gross floor area" shall not include cellars, unenclosed porches, attics not used for human occupancy, or any floor space in accessory building or in the main building intended and designed for the parking of motor vehicles or any

such floor space intended and designed for accessory heating and ventilating equipment. [Amended by Ord. 733, 9/15/2016]

C. **LOT AREA** The area contained within the property lines of the individual parcels of land shown on a subdivision plan, excluding any area within a street right-of-way, excluding areas within any easement, excluding areas within the Floodplain Conservation District, and excluding any area required as open space under this chapter and any other areas as may be specifically excluded by the terms of this chapter. [Amended by Ord. 737, 1/19/2017]

BASEMENT

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

BUFFER YARD

A strip of required yard space adjacent to the boundary of a property or district (including along rights-of-way) of a width not less than that designated by this chapter.

[Amended by Ord. 733, 9/15/2016; Ord. 737, 1/19/2017]

BUILDING

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

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

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

BUILDING COVERAGE

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

BUILDING HEIGHT

A vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the decline of mansard roofs and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING SETBACK LINE

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

B. **SIDE** A line parallel to the side lot line at a distance therefrom equal to the depth of the minimum side yard required.

C. **REAR** A line parallel to the rear lot line at a distance from the rear lot line equal to the depth of the minimum rear yard required.

BUS SHELTER

A covered structure located at a designated bus stop that provides protection against the weather for people waiting for a bus.

[Added by Ord. 733, 9/15/2016]

CELLAR

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

CO-LOCATION

The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles or towers, electrical transmissions towers, water towers or any other structures that can support the placement or installation of wireless telecommunications facilities if approved by the municipality.

[Added by Ord. 718, 3/20/2014]

DECISION

Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the Township lies.

DECK

A roofless structure attached to the principal structure, exterior to, and part of, the principal structure. An unattached **deck** is an accessory structure.

1. Decks that are built on top of grass, dirt, vegetation, wooded, decorative gravel, non-compacted river rock, or ground cover are not considered impervious surface.
2. Decks that are built on top of concrete, asphalt, packed stone or other similar materials shall be considered impervious surfaces.

DEPARTMENT OF HEALTH

The Department of Health of the Commonwealth of Pennsylvania or the Bucks County Department of Health.

[Added by Ord. 733, 9/15/2016]

DETERMINATION

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

- A. The Board of Supervisors.

- B. The Zoning Hearing Board.

DISTRIBUTED ANTENNA SYSTEMS (DAS)

Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

[Added by Ord. 718, 3/20/2014]

DWELLING

- A. **DWELLING** A building containing one or more dwelling units.
- B. **DWELLING UNIT** Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.
- C. **MULTIFAMILY DWELLING (or BUILDING)** A building having two or more dwelling units which may have either a common or independent outside access. Said units may be arranged horizontally, one above the other, or vertically separated by party walls. It is the intention to include within this definition of "multifamily dwelling" all recognized architectural types or structures accommodating two or more dwelling units in the same building, whether the individual units are for lease or sale.
- D. **SINGLE-FAMILY DETACHED DWELLING** A dwelling having:
 - (1) Only one dwelling unit from ground to roof;
 - (2) Independent outside access; and
 - (3) Open space on all sides.
- E. **TWO-FAMILY DWELLING** A dwelling having only one dwelling unit from ground to roof and only one wall in common with another dwelling unit.

EMERGENCY

A condition that: [Added by Ord. 718, 3/20/2014]

- A. Constitutes a clear and immediate danger to the health, welfare, or safety of the public; or
- B. Has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

FAMILY

One or more individuals living in a dwelling as a Single Housekeeping Unit, with limited exception to persons possessing a handicap and living together in a Group Home, as defined in this Article, and within the meaning of the Fair Housing Act¹. A Family does not include group living situations such as student-housing, dormitories, fraternity and sorority housing, lodge, or residential club.

FCC

Federal Communications Commission. [Added by Ord. 718, 3/20/2014]

¹ 42 USC §3602(h), as amended.

FENCE

A barrier constructed of materials other than shrubbery and erected for the purpose of protection, confinement, enclosure or privacy.

FLOOR AREA RATIO

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

GROSS LOT AREA

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

GROUP HOME

A dwelling inhabited by handicapped persons, within the meaning of the Fair Housing Act, as a Single Housekeeping Unit. Such Group Home shall:

- (1) not exceed the dwelling's maximum allowable occupancy as permitted by the Township's Code; and
- (2) either (a) provide non-routine support services and oversight to persons who need such assistance to avoid being placed in an institution because of a physical, mental, or developmental disability, or old age; or (b) be occupied by individuals who meet the definition of "handicap," as defined by applicable federal law.²

For the purposes of this Ordinance, Group Homes shall be permitted and regulated as the applicable residential dwelling type.

HOOKAH BAR/LOUNGE

Any establishment that is dedicated, in whole or in part, to the smoking of a water pipe with a smoke chamber, a bowl, a pipe and a hose, commonly referred to as a "hookah," and also known as a narghile, argileh, shisha, hubble-bubble, and goza, or any similar device.

[Added by Ord. 733, 9/15/2016]

IMPERVIOUS SURFACE

Surfaces which do not absorb water and which prevent the infiltration of water into the ground. Any area which has been or is proposed to be modified from grass, dirt, vegetation, wooded, or ground cover, including but not limited to the area of all buildings, streets, parking areas, driveways, roads, sidewalks, swimming pools, and any areas in concrete, asphalt, stone or other similar materials shall be considered impervious surfaces. The pool water surface shall not count as impervious. Impervious surfaces also include other areas determined to be impervious by the Township Engineer.

[Amended by Ord. 737, 1/19/2017]

² NOTE: the Fair Housing Act amendments currently define "handicap" as follows: (a) A physical or mental impairment which substantially limits one or more of such person's major life activities; (b) a record of having such an impairment; or (c) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in §802 of Title 21. This definition was subsequently adjusted by §512 of the Americans with Disabilities Act ("ADA") to address certain situations related to substance abuse treatment.

IMPERVIOUS SURFACE RATIO

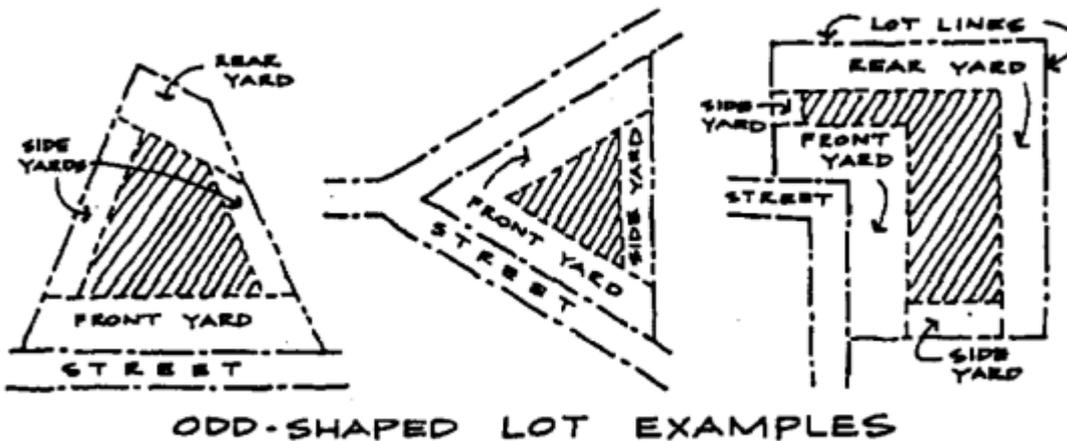
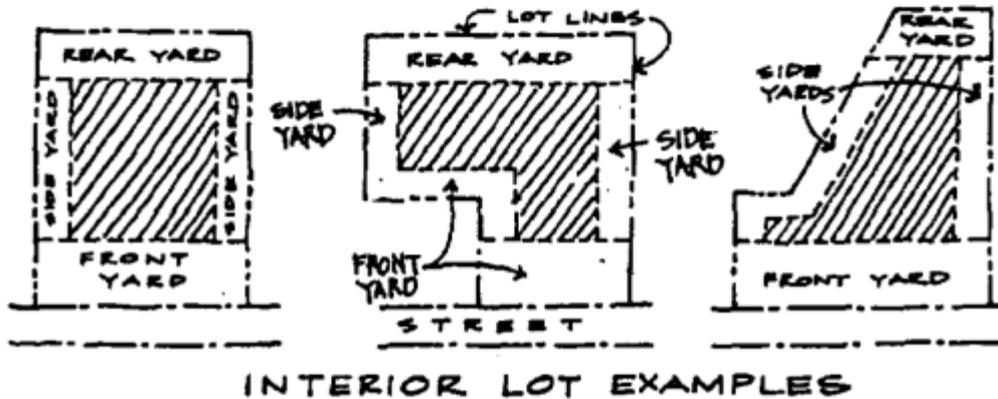
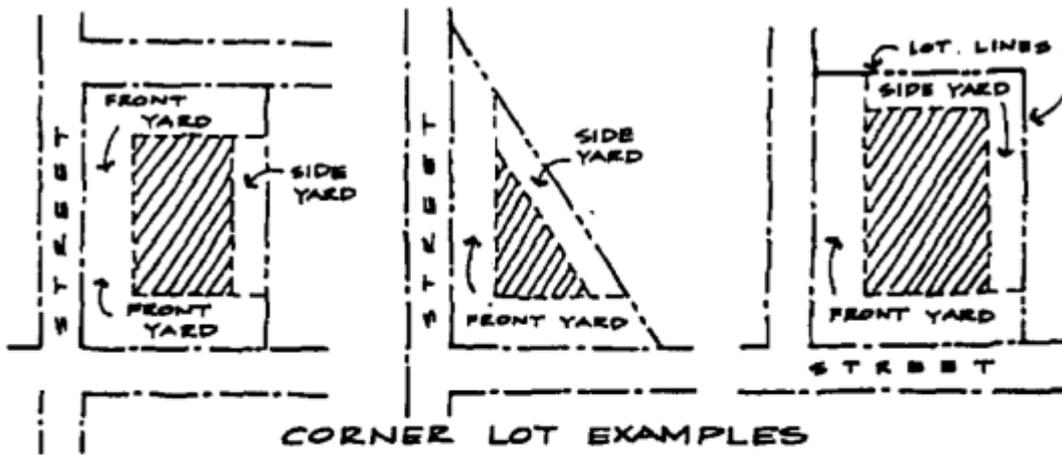
Unless otherwise provided in Chapter 22, Subdivision and Land Development, the total area of all impervious surfaces within the lot divided by the lot area.

LOT

- A. **CORNER LOTA** 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°.
- B. **DEPTH OF LOT** The mean distance from the street line of the lot to its opposite rear line, measured in the general direction of the sidelines of the lot.
- C. **LOTA** designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
- D. **LOT WIDTH** The distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, between such side lot line and the opposite rear lot line or street line.
- E. **THROUGH LOT** An interior lot having frontage on two parallel or approximately parallel streets.

LOT LINES

- A. **LOT LINE** Any boundary line of a lot.
- B. **LOT LINE, REAR** Any lot line which is parallel to or within 45° of being parallel to a street line, except for a lot line that is itself a street line, and except that, in the case of a corner lot, the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line.
- C. **LOT LINE, SIDE** Any lot line which is not a street line or a rear lot line.
- D. **STREET LINE** See "street line."
- E. **SAMPLE LOT CONFIGURATIONS**



REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)

MASSAGE THERAPY

Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with hands or with the aid of any mechanical or electrical apparatus, with or without such supplementing aids as rubbing alcohol,

liniments or other similar preparations commonly used in this practice. The term does not include the diagnosis or treatment of impairment, illness, disease, or disability, a medical procedure, a chiropractic manipulation - adjustment, physical therapy mobilization - manual therapy, therapeutic exercise, electrical stimulation, ultrasound, or prescription of medicines for which a license to practice medicine, chiropractic, physical therapy, occupational therapy, podiatry or other practice of the healing arts is required or any other area licensed by the Commonwealth of Pennsylvania.

[Added by Ord. 733, 9/15/2016]

MASSAGE THERAPY CENTER

Any establishment where massage therapy is administered for the payment of a fee or other compensation or consideration, but not including: a hospital; nursing home; medical clinic; the office of a physician, surgeon, physical therapist, chiropractor, or osteopath currently licensed as such by the Commonwealth of Pennsylvania; barbershops or practices licensed by the Department of Cosmetology; or any athletic program of accredited junior and senior high schools or colleges in which a massage is administered by a trainer within the scope of such athletic program.

[Added by Ord. 733, 9/15/2016]

MEDICAL MARIJUANA ACT

Act 16 of 2016, 35 P.S. § 10231.101 et seq.

[Added by Ord. 733, 9/15/2016]

MEDICAL MARIJUANA DISPENSARY

A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered by the Department of Health under the Medical Marijuana Act to dispense medical marijuana. The term does not include a health care medical marijuana organization under Chapter **19** of the Medical Marijuana Act.

[Added by Ord. 733, 9/15/2016]

MEDICAL MARIJUANA GROWER/PROCESSOR

A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which is registered by the Department of Health under the Medical Marijuana Act to grow and process medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter **19** of the Medical Marijuana Act.

[Added by Ord. 733, 9/15/2016]

MOBILE HOME

A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and 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 necessary for the erection thereon of a single mobile home.

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.

MONOPOLE

A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connecting appurtenances.

[Added by Ord. 718, 3/20/2014]

MUNICIPAL AUTHORITY

A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945," 53 Pa.C.S.A. §§ 5601 through 5623, as amended.

[Amended by Ord. 737, 1/19/2017]

NONCONFORMING LOT

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

NONCONFORMING STRUCTURE

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

NONCONFORMING USE

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

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF)

All non-tower wireless communications facilities, including, but not limited to, antennas and related equipment. Non-tower WCF shall not include support structures for antennas and related equipment.

[Added by Ord. 718, 3/20/2014]

OPEN SPACE

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

PERSONS

Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania, provided that "person" does not include or apply to the Township or to any department or agency of the Township.

[Added by Ord. 718, 3/20/2014]

PRINCIPAL

A. **PRINCIPAL BUILDING** See "building."

B. **PRINCIPAL USE** See "use."

PUBLIC HEARING

A formal meeting held pursuant to public notice by the Board of Supervisors, Planning Commission, or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

PUBLIC MEETING

A forum held pursuant to notice under the Act of October 15, 1998 (P.L. 729, No. 93), known as the "Sunshine Act," 65 Pa.C.S.A. § 701 et seq.

[Amended by Ord. 737, 1/19/2017]

PUBLIC NOTICE

Notice published once each week for two 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 30 days and the second publication shall not be less than seven days prior to 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 recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RIGHT-OF-WAY or ROW

A strip of land occupied or intended to be occupied by a street, alley, crosswalk, sanitary or storm sewer, stream, drainage ditch, or for another special use. The usage of the term "right-of-way" for land plotting purposes in the Township shall mean that every right-of-way hereafter established and shown on a final record plan is to be separate and distinct from lots or parcels adjoining such right-of-way, and not included with the dimensions of areas of such lots or parcels.

- A. **EXISTING RIGHT-OF-WAY**: The present legal right-of-way as established by the Commonwealth of Pennsylvania or other appropriate governing body and currently in existence.
- B. **ULTIMATE RIGHT-OF-WAY**: An area along the right-of-way of a public street deemed necessary to provide adequate width for future street improvements.

[Added by Ord. 718, 3/20/2014]

SIGN

See Part **23** of this chapter.

SINGLE HOUSEKEEPING UNIT

One or more individuals living and cooking together in a dwelling, on a non-transient basis and sharing household responsibilities and activities, which may include sharing living expenses, chores, eating meals together and participating in recreational activities and having close social, economic, and psychological commitments to each other, and shall not exceed the associated dwelling's maximum allowable occupancy as permitted by the Township's Code.

SOBER LIVING FACILITY

Group Homes where six or more individuals reside together, either voluntarily or by court order, for the purpose of recovering from drug, alcohol, and/or substance abuse, and which serves as an interim environment between rehabilitation facilities/hospitalization and reintegration to independent living. The term shall include recovery houses and halfway houses.

[Added by Ord. 733, 9/15/2016]

SPECIAL EXCEPTION

A use permitted in a particular zoning district pursuant to the provisions of this chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10601 et seq., and 10901 et seq.

STEALTH TECHNOLOGY

Camouflaging methods applied to wireless communications towers, antennas and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

[Added by Ord. 718, 3/20/2014]

STORY

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

STREET

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. Individual street classification can be found in Section 22-505.3. Streets are further defined and classified as follows:

- A. **EXPRESSWAYS:** Designed for large volumes and high-speed traffic with access limited to grade separated intersections.
- B. **REGIONAL ARTERIAL STREET:** Designed for large volumes and high-speed traffic.

Traffic mixture is predominately serving regional or throughput traffic needs with access to abutting properties controlled.

C. **COMMUNITY ARTERIAL STREET:** Designed to carry a moderate volume of high-speed traffic from collector streets or serving as a connection between other arterial streets with access to abutting properties controlled. Traffic mixture is predominately from local community with some regional traffic.

D. **COMMUNITY COLLECTOR STREET:** Designed to carry a moderate volume of medium-speed traffic from collector and local streets with predominantly local community traffic.

E. **NEIGHBORHOOD COLLECTOR/PRIMARY RESIDENTIAL STREET:** Designed to carry a moderate volume of local traffic, to intercept local/secondary residential streets, to provide routes to collector streets and facilities, and to provide access to abutting properties.

F. **LOCAL STREETS/SECONDARY RESIDENTIAL STREET:** Designed to provide local access to the abutting properties and a route to neighborhood collectors/primary residential streets.

G. **MARGINAL ACCESS STREET:** A secondary street which is parallel to and adjacent to an expressway, arterial or collector street; and which provides access to abutting properties and protection from through traffic.

H. **DRIVEWAY:** Generally a private street for the use of vehicles and pedestrians providing access between a public street and a parking area within a lot or property.

I. **ALLEY:** A minor accessway used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

STREET LINE

The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line, provided that the street right-of-way line shall be not less than 25 feet from the center line of any road or street, and, where a future right-of-way width for a road or street has been officially established, then the street right-of-way line shall be the sideline of the future right-of-way so established.

STRUCTURE

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

SUBSTANTIALLY CHANGE

[Added by Ord. 718, 3/20/2014]

A. Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or

B. Any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

SWIMMING POOL

A. WADING POOLS

Wading pools exempt from the provisions of this chapter are those temporary pools of plastic, light metal or other light-duty materials which do not exceed a struck volume depth of twenty-four (24) inches at the deepest or lowest point and, in addition, which are completely emptied of water when not in use.

B. PERMANENT SWIMMING POOL

One which by the nature of its construction attaches to and becomes part of the realty upon which it is constructed, regardless of whether it is below ground, partially above the ground surface or completely above the ground surface and has a depth of more than twenty-four (24) inches.

C. SEMIPERMANENT (SEASONAL) SWIMMING POOL

One which by the nature of its construction is erected above ground level and is reasonably capable of being dismantled on a seasonal basis. All pools capable of being filled to a depth of more than twenty-four (24) inches at the deepest or lowest point, if not within the classification of permanent swimming pool, shall be deemed "semi-permanent swimming pools."

TAVERNS

An establishment that primarily serves alcoholic beverages to the general public for on-premises consumption, is licensed by the Pennsylvania Liquor Control Board, and where food sales account for less than 55% of the establishment's gross income. This definition includes, but is not limited to, beer gardens, bars, bar rooms, pubs, cocktail lounges, saloons, taprooms, and nightclubs. "Restaurants" (as defined in this chapter) that serve alcoholic beverages but are primarily engaged in the retail sale of prepared food are not included in this definition. This term shall not include any type of adult business activity as defined in this chapter.

[Added by Ord. 733, 9/15/2016]

TELECOMMUNICATIONS EQUIPMENT BUILDING

The building in which the electronic receiving and relay equipment for a cellular telecommunications facility is housed.

TENT

A temporary, portable shelter larger than ten (10) feet by ten (10) feet of fabric or other material placed over a supporting framework of poles, ropes and pegs or other devices.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF)

Any structure that is used for the purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs.

[Added by Ord. 718, 3/20/2014]

TOWNSHIP

Warminster Township, Bucks County, PA.

[Added by Ord. 718, 3/20/2014]

USE

- A. **USE, ACCESSORY** A use located on the same lot with a principal use and clearly incidental or subordinate to, and customary in connection with, the principal use.
- B. **USE, PRINCIPAL** The main use on a lot.
- C. **USE** Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

WIRELESS

Transmissions through the airwaves, including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

[Added by Ord. 718, 3/20/2014]

WIRELESS COMMUNICATIONS FACILITY (WCF)

The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

[Added by Ord. 718, 3/20/2014]

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT)

Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other Township-owned land or property.

[Added by Ord. 718, 3/20/2014]

WIRELESS SUPPORT STRUCTURE

A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township.

[Added by Ord. 718, 3/20/2014]

VARIANCE

Relief granted pursuant to the provisions of this chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.

YARD

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

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

extending along all streets are front yards. [Amended by Ord. 737, 1/19/2017]

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

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

Part 3

Classification of Districts

§ 27-300 Establishment of districts.
[Ord. 689, 9/10/2009]

1. Warminster Township is hereby divided into zoning districts of different types, each type being of such number, shape, kind and area and of such common unity or purpose and adaptability of use that are deemed most suitable to carry out the objectives of this chapter.
2. Every parcel of land and every building or other structure in the Township, except as otherwise provided by law or by this chapter, shall be subject to the regulations, restrictions, and requirements specified for the district in which it is located.

§ 27-301 Classes of districts.
[Ord. 689, 9/10/2009; amended Ord. 725, 7/23/2015; Ord. 751, 1/17/2019]

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

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

Overlay districts:

Hartsville and Johnsville Historic Overlay

OPAS Off-Premises Advertising Sign Overlay

Retirement Community Overlay

§ 27-302 Zoning Map.
[Ord. 689, 9/10/2009]

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

§ 27-303 Interpretation of district boundaries.
[Ord. 689, 9/10/2009]

Where uncertainty exists with respect to the boundaries between districts as indicated on the Zoning Map, the following rule shall apply:

- A. Where district boundaries are indicated as coinciding with streets, the district boundary line shall be considered the same as the property line or right-of-way line on the side of the street on which the property to be buffered is located.
- B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to street or railroad rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.
- D. Where district boundaries divide a lot, the location of such boundaries shall be determined by the use of the scale shown on the Zoning Map, unless the boundaries are indicated by dimensions.

Part 4

R-1 Residence Districts

§ 27-400 General provisions.

[Ord. 689, 9/10/2009; as amended by Ord. 737, 1/19/2017]

A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, provided that such uses, buildings or structures shall comply with such regulations as yard, lot sizes, lot width, building area, heights, impervious surfaces, easements, buffer yards, off-street parking and other requirements as specified by this chapter.

§ 27-401 Permitted uses.

[Ord. 689, 9/10/2009]

1. The following uses are permitted by right:

Use 1	Agriculture
Use 3	Single-family detached dwelling
Use 62	Emergency services
Use 67	Utility operating facility
Use 82	No-impact home-based business
Use 84	Residential accessory building or structure
Use 91	Accessory in-law dwelling
Use 93	Solar Energy Systems
Use 94	Accessory Beekeeping

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

Use 11	Place of worship
Use 16	Private club or lodge
Use 85	Family day care

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

Use 12	Public or private school
Use 21	Nursing home/personal care facility, assisted living facility, or convalescent

home

Use22

Youth services

Use 41

Mortuary or funeral home

**§ 27-402 Area and dimensional requirements.
[Ord. 689, 9/10/2009]**

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

- A. Lot area and width:
 - (1) Minimum lot area: 20,000 square feet.
 - (2) Minimum lot width: 100 feet at the building line and 80 feet at the front property line shall be provided for each principal use or building permitted in this district.
- B. Density. Land subdivided for residential purposes shall have a density of not more than 1.6 dwelling units per gross acre of land being subdivided.
- C. Building area. A maximum of 20% of the area of any lot shall be occupied by buildings.
- D. Yards.
 - (1) Front yard. There shall be a front yard along each street on which a lot abuts, which shall be not less than 50 feet in depth.
 - (2) Side yards. Unless otherwise provided in this chapter, there shall be two side yards on each lot, with a minimum width of 15 feet for each side yard.
 - (3) Rear yard. Unless otherwise provided in this chapter, there shall be a rear yard on each lot, which shall be not less than 50 feet in depth.
- E. Impervious surface ratio. No more than 35% of the total lot area shall be covered with impervious surface.
- F. Open space. All residential uses, except for the development of fewer than 10 dwellings, shall be required to set aside open space in accordance with the requirements of Part 21, § 27-2102, Open space requirements.

**§ 27-403 Additional requirement for youth services use.
[Ord. 689, 9/10/2009]**

In addition to the area and dimensional requirements of § 27-402 of this Part 4 and the use requirements set forth in Part 16, the youth services use shall meet the following additional requirement for a conditional use in the R-1 District:

- A. The property shall be subject to a master plan agreement with the Township.

Part 5

R-2 Residence Districts

§ 27-500 General provisions.

[Ord. 689, 9/10/2009; as amended by Ord. 737, 1/19/2017]

A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, provided that such uses, buildings or structures shall comply with such regulations as yard, lot sizes, lot width, building area, heights, impervious surfaces, easements, buffer yards, off-street parking and other requirements as specified by this chapter.

§ 27-501 Permitted uses.

[Ord. 689, 9/10/2009]

1. The following uses are permitted by right: **[Amended by Ord. 733, 9/15/2016]**

Use 1	Agriculture
Use 3	Single-family detached dwelling
Use 62	Emergency services
Use 67	Utility operating facility
Use 82	No-impact home-based business
Use 84	Residential accessory building or structure
Use 91	Accessory in-law dwelling
Use 93	Solar Energy Systems
Use 94	Accessory Beekeeping

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

Use 11	Place of worship
Use 16	Private club or lodge
Use 85	Family day care

3. The following uses are permitted as a conditional use when authorized by the Board of Supervisors in accordance with the provisions of Part **25** of this chapter: **[Amended by Ord. 733, 9/15/2016]**

Use 4	Single-family detached buffer
Use 9	Mixed-use development
Use 12	Public or private school
Use 20	Hospital campus
Use 22	Youth services
Use 23	Cemetery
Use 41	Mortuary or funeral home
Use 83	Accessory office

§ 27-502 Area and dimensional requirements.
[Ord. 689, 9/10/2009]

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

- A. Lot area and width. A lot area of not less than 12,500 square feet, with a width of not less than 80 feet at the building line and 70 feet at the front property line, shall be provided for each dwelling. Other principal uses permitted in this district shall have a lot area of not less than 20,000 square feet, with a width of not less than 100 feet at the building line and 80 feet at the front property line.
- B. Building area. Not more than 25% of the area of any lot shall be occupied by buildings.
- C. Front yard. There shall be a front yard along each street on which a lot abuts which shall be not less than 35 feet in depth for permitted single-family detached dwellings. All other permitted principal uses shall have front yards of not less than 50 feet in depth.
- D. Side yards. Unless otherwise provided in this chapter, there shall be two side yards on each lot, neither of which shall be less than 10 feet in width for permitted single-family detached dwellings. All other permitted uses shall have two side yards of not less than 15 feet in width each.
- E. Rear yard. Unless otherwise provided in this chapter, there shall be a rear yard on each lot, which shall be not less than 50 feet in depth.
- F. Impervious surface ratio. No more than 35% of the total lot area shall be covered with impervious surface.
- G. Open space. All residential uses, except for the development of fewer than 10 dwellings, shall be required to set aside open space in accordance with the requirements of Part **21**, § **27-2102**, Open space requirements.

§ 27-503 **Mixed-use development requirements.**
[Ord. 689, 9/10/2009]

1. Permitted uses.

A. Uses permitted within the mixed-use area by right: **[Amended by Ord. 733, 9/15/2016]**

Use 6	Single-family attached dwelling (townhouse)
Use 11	Place of worship
Use 13	Library or museum
Use 29	Business or professional office
Use 31	Retail shop
Use 35	Service business
Use 36	Bank, savings-and-loan association
Use 37	Restaurant
Use 43	Indoor commercial entertainment

2. Area and dimensional requirements.

- A. Minimum lot area for mixed-use development. A lot area of not less than 18 acres shall be provided for every mixed-use development.
- B. Minimum lot width. Not less than 500 feet of lot width along a collector or arterial street shall be provided for every mixed-use development.
- C. Front yard. There shall be a front yard for each mixed-use development, which shall not be less than 60 feet in depth.
- D. Side yards. Unless otherwise provided in this chapter, there shall be two side yards for each mixed-use development, neither of which shall be less than 25 feet in width.
- E. Rear yard. Unless otherwise provided in this chapter, there shall be a rear yard for each mixed-use development, which shall not be less than 50 feet in depth.
- F. Separation from existing residential use. No building, deck, or patio shall be located less than 75 feet from a side or rear property line which is not a part of the mixed-use development.
- G. Impervious coverage. The impervious coverage of a mixed-use development shall not exceed 50% of the lot area.
- H. Residential. The maximum height for any residential building or structure erected or enlarged in this district shall be 35 feet, not exceeding 2.5 stories.

- I. Nonresidential. The maximum height for any nonresidential building or structure erected or enlarged in this district shall be 35 feet.

3. Special requirements.

- A. Building spacing. The distance at the closest point between any buildings shall not be less than 30 feet. The distance between residential and nonresidential buildings within the mixed-use development shall not be less than 100 feet.
- B. Density. Mixed-use developments shall have a maximum overall density of six dwelling units per acre, which shall be calculated based on the portion of the lot designated for residential use.
- C. Number of bedrooms. No dwelling unit shall contain more than three bedrooms.
- D. Nonresidential limitations. A maximum of 35% and a minimum of 30% of the gross building square footage may be allocated to nonresidential uses. All portions of the lot used for nonresidential purposes shall front on and be located within 350 feet of a collector or arterial street. **[Amended by Ord. 733, 9/15/2016]**
- E. Buffer yards. Along any residential district boundary line, a buffer yard shall be provided which shall not be less than 25 feet in width and shall be planted in accordance with the provisions of this chapter. Within a mixed-use development, a buffer not less than 25 feet in width shall be provided between residential units and nonresidential development. Such buffer yards may be coterminous with required yards and may include fences, berms, and other landscape improvements designed to soften the transition between land uses. Access drives may cross perpendicular to buffer yards. Buffer yards may not contain decks, patios, buildings, or walking trails.
- F. Outdoor land use. There shall be no outdoor storage or display of goods or materials for marketing, storage, or any other purpose. The outdoor storage of trash shall be designed and maintained to be completely screened from view.
- G. Special conveyancing. When the development of a lot and the uses therein are in accordance with a unified development plan, then a conveyance of a parcel within the development plan shall be permitted upon compliance with the following conditions:
 - (1) Irrevocable cross-easements in favor of and duly binding on all title owners within the area of the development plan, their successors and assigns, with respect to use, control and maintenance of the common areas, including access, green space, and parking areas, are in effect and recorded. All easements shall be submitted to the Township Solicitor for review prior to recording.
 - (2) Application of zoning regulations, including but not limited to impervious coverage, parking, loading and landscaping, as well as required area, width and yard regulations, shall apply to an overall lot approved as a unified development plan. Individual lots created pursuant to this section need not comply with these zoning requirements. **[Amended by Ord. 737, 1/19/2017]**
- H. Common areas. Common areas include any real estate within the community owned by the association and not consisting of lots and limited common elements. Limited common elements include driveways, streets, stormwater detention basins, parking lots and sidewalks. A minimum of 35% of the lot area shall be common area.
- I. Pedestrian design standards.

- (1) Sidewalks are required along all public road frontages.
 - (2) Pedestrian connections shall be provided between residential and nonresidential portions of the development and to all front building areas, parking areas and other pedestrian destination points.
 - (3) Whenever possible, sidewalks shall connect to existing sidewalks on abutting properties and other nearby pedestrian destination points and transit stops.
- J. Traffic study. A complete and comprehensive traffic study shall be submitted as part of any land development application for mixed-use development.
 - K. Utilities. All development in a mixed-use development shall be served by public water and sewer. All utilities shall be underground.
 - L. Site lighting. Exterior lighting provided in conjunction with any mixed-use development shall be designed in accordance with the requirements of this chapter.
 - M. A mixed-use development must be located on an arterial road.

**§ 27-504 Single-family detached buffered development (SFBD), Use 4 requirements.
[Added by Ord. 724, 6/18/2015]**

- 1. Uses permitted within the single-family detached buffered development by right:
 - A. Use 3, Single-family detached dwelling.
 - B. Use 82, No-impact home-based business.
 - C. Use 84, Residential accessory building or structure.
 - D. Use 93, Solar Energy Systems
- 2. Conditional use applications for Use 4, single-family buffered development, shall include a plan showing the proposed layout for the development as well as a by-right concept plan showing the layout and density capacity for Use 3, single family detached dwelling development.
- 3. All applications for conditions use approval for Use 4 shall demonstrate compliance with the area, dimensional, and development requirements for Use 4 are set forth in § **27-1605.1**.

Part 6

R-3 Residence Districts

§ 27-600 General provisions.

[Ord. 689, 9/10/2009; as amended by Ord. 737, 1/19/2017]

A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, provided that such uses, buildings or structures shall comply with such regulations as yard, lot sizes, lot width, building area, heights, impervious surfaces, easements, buffer yards, off-street parking and other requirements as specified by this chapter.

§ 27-601 Permitted uses.

[Ord. 689, 9/10/2009]

1. The following uses are permitted by right:

Use 1	Agriculture
Use 3	Single-family detached dwelling
Use 5	Two-family dwelling
Use 6	Single-family attached dwelling (townhouse)
Use 7	Multifamily dwelling
Use 62	Emergency services
Use 82	No-impact home-based business
Use 84	Residential accessory building or structure
Use 91	Accessory in-law dwelling
Use 93	Solar Energy Systems

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

Use 11	Place of worship
Use 16	Private club or lodge

Use 85	Family day care
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3. The following uses are permitted as a conditional use when authorized by the Board of Supervisors in accordance with the provisions of Part **25** of this chapter:

Use 8	Mobile home park
Use 12	Public or private school
Use 22	Youth Services
Use 41	Mortuary or funeral home
Use 83	Accessory office

**§ 27-602 Area and dimensional requirements.
[Ord. 689, 9/10/2009]**

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

- A. Lot area and width. A lot area of not less than 9,000 square feet, with a width of not less than 75 feet at the building line and 70 feet at the front property line, shall be provided for each single-family dwelling. Other principal uses permitted in this district shall have a lot area of not less than 20,000 square feet with a width of not less than 100 feet at the building line and 80 feet at the front property line.
- B. Building area.
 - (1) Where a dwelling is constructed on a lot, not more that 30% of the area of any lot shall be occupied by buildings or structures.
 - (2) For all other permitted uses in this district, no more than 20% of the area of the lot shall be occupied by buildings or structures.
- C. Front yard. There shall be a front yard along each street on which a lot abuts, which shall be not less than 35 feet in depth, for single-family detached dwellings. Other permitted principal uses shall have a front yard of not less than 50 feet in depth.
- D. Side yards. Unless otherwise provided in this chapter, there shall be two side yards on each lot, neither of which shall be less than 10 feet in width for single-family detached dwellings. All other permitted principal uses shall have two side yards of not less than 15 feet in width each.
- E. Rear yard. Unless otherwise provided in this chapter, there shall be a rear yard on each lot which shall be not less than 35 feet in depth for single-family detached dwellings. All other permitted principal uses shall have a rear yard of not less than 50 feet in depth.
- F. Impervious surface ratio. No more than 35% of the lot area shall be covered with impervious surface.
- G. Open space. All residential uses, except for the development of fewer than 10 dwellings, shall be required to set aside open space in accordance with the requirements of Part 21, § 27-2102, Open space requirements.
- H. Density. Land subdivided for residential purposes shall have a density of not more than three dwelling units per gross acre of land being subdivided. **[Added by Ord. 724, 6/18/2015]**

Part 7

R-4 Residence Districts

§ 27-700 General provisions.

[Ord. 689, 9/10/2009; as amended by Ord. 737, 1/19/2017]

A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, provided that such uses, buildings or structures shall comply with such regulations as yard, lot sizes, lot width, building area, heights, impervious surfaces, easements, buffer yards, off-street parking and other requirements as specified by this chapter.

§ 27-701 Permitted uses.

[Ord. 689, 9/10/2009]

1. The following uses are permitted by right:

Use 1	Agriculture
Use 3	Single-family detached dwelling
Use 5	Two-family dwelling
Use 6	Single-family attached dwelling (townhouse)
Use 7	Multifamily dwelling
Use 62	Emergency services
Use 82	No-impact home-based business
Use 84	Residential accessory building or structure
Use 91	Accessory in-law dwelling
Use 93	Solar Energy Systems

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

Use 11	Place of worship
Use 13	Library or museum
Use 16	Private club or lodge
Use 17	Community center

Use 85 Family day care

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

Use 8 Mobile home park

Use 12 Public or private school

Use 22 Youth services

Use 41 Mortuary or funeral home

Use 83 Accessory office

**§ 27-702 Area and dimensional requirements.
[Ord. 689, 9/10/2009]**

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

A. Lot area and dimensional requirements.

(1) Single-family detached dwelling.

(a) A lot area of not less than 9,000 square feet is required.

(b) A lot width of not less than 75 feet at the building line and 70 feet at the front property line shall be provided for each single-family dwelling.

(c) Minimum yards:

1) Front: 35 feet.

2) Rear: 35 feet.

3) Sides: 10 feet, each side.

(2) Two-family dwelling.

(a) A lot area of 10,000 square feet for two dwellings (5,000 square feet per dwelling) is required.

(b) The lot width for each dwelling shall be 50 feet, or 100 feet for two dwellings.

(c) Minimum yards:

1) Front: 35 feet.

2) Rear: 35 feet.

3) Sides: 10 feet, each side.

- (3) Multifamily dwellings and townhouses.
 - (a) A minimum lot area of five acres is required.
 - (b) Maximum density: five units per acre.
 - (c) Lot width for the tract: 200 feet.
 - (d) Minimum yards:
 - 1) Front: 35 feet.
 - 2) Rear: 50 feet.
 - 3) Sides: 25 feet, each side.
 - (4) Mobile home parks. See requirements for mobile home parks in Part 16.
 - (5) Other principal uses permitted in this district shall have a lot area of not less than 20,000 square feet with a width of not less than 100 feet at the building line and 80 feet at the front property line.
 - (6) Front yard. Unless otherwise provided in this chapter, all other permitted principal uses shall have a front yard of not less than 50 feet in depth. **[Added by Ord. 724, 6/18/2015]**
 - (7) Side yard. Unless otherwise provided in this chapter, all other permitted principal uses shall have two side yards of not less than 25 feet in width each. **[Added by Ord. 724, 6/18/2015]**
 - (8) Rear yard. Unless otherwise provided in this chapter, all other permitted principal uses shall have a rear yard of not less than 50 feet in depth. **[Added by Ord. 724, 6/18/2015]**
- B. Where a dwelling is constructed on a lot, not more that 35% of the area of any lot shall be occupied by buildings or structures. For all other permitted uses in this district, no more than 25% of the area of the lot shall be occupied by buildings or structures.
- C. Impervious surface ratio. No more than 35% of the total lot area shall be covered with impervious surface.

§ 27-703 Buffer yards.
[Ord. 689, 9/10/2009]

Along any district boundary line separating the R-4 District from any district, a buffer yard shall be provided which shall not be less than 50 feet in width, measured from such boundary line or from the street line where such street constitutes the district boundary line.

§ 27-704 Utilities.
[Ord. 689, 9/10/2009]

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

§ 27-705 Height regulations.
[Ord. 689, 9/10/2009]

No dwelling unit shall exceed a vertical height of 35 feet, which height shall be measured from the building line at the ground level to the roof of flat top buildings, with the mean height of angled roofs.

§ 27-706 Variation of design.
[Ord. 689, 9/10/2009]

Buildings shall be designed such that no more than three adjoining dwelling units shall have an identical front yard setback. An average of at least four-foot setback variations per dwelling unit is required.

§ 27-707 Open space.
[Ord. 689, 9/10/2009]

1. At least 40% of the gross land area of any multifamily development shall be devoted to permanent open space or recreational use, which area shall not include required public improvements, required yards or building setbacks, required buffer areas, or streets. Open space shall not include any of the impervious surface coverage occasioned by the multifamily dwelling units, parking areas or required public improvements. Such space shall not include the minimum required yard areas or any area conveyed to the owner or occupant of any dwelling unit by sale or by lease.
2. No more than 50% of the open space shall be in a floodplain. The specific land area to be devoted to this requirement may be dedicated to the Township, if acceptable to it. If not dedicated to and accepted by the Township, then the provisions set forth hereinafter with regard to administration and maintenance shall become applicable.
3. In the event that the land is not dedicated to the Township, a plan for administration and maintenance of all such open space shall be presented to the Township Supervisors as part of the overall development plan. Such plan shall contain covenants or other restrictions or requirements that will assure future administration and maintenance of such open space.
4. Open space. All other residential uses, including single-family and two-family development, except for the development of fewer than 10 dwellings, shall be required to set aside open space in accordance with the requirements of Part 21, § 27-2102, Open space requirements.

Part 8

CCRC Continuing Care Retirement Community District

§ 27-800 **Definitions.**
[Ord. 689, 9/10/2009]

The following definitions shall apply to the terms used in this Part 8 in connection with the development of a continuing care retirement community:

ASSISTED LIVING UNIT

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

CONTINUING CARE RETIREMENT COMMUNITY (CCRC)

A facility which has a primary purpose of providing housing and continuing care for people over the age of 55 or where either the husband or wife is over age 55 and consists of independent apartment units, assisted living units, skilled care nursing units and continuing care retirement community accessory uses, all as defined herein. For purposes of this Part 8, "continuing care" means the provision of lodging, nursing, medical or health-related services at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges.

CONTINUING CARE RETIREMENT COMMUNITY ACCESSORY USES WITHIN A CONTINUING CARE RETIREMENT COMMUNITY

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

INDEPENDENT APARTMENT UNIT

A dwelling unit containing living areas, bedroom areas, kitchen areas and bathrooms, including studio-style apartments, varying in square footage from 350 square feet to 2,000 square feet, which houses one or more people over the age of 55 in a manner in which they may live independently while receiving one or more meals per day in a congregate setting.

SKILLED NURSING CARE UNIT

A nursing bed or individual room which provides board, shelter and twenty-four-hour skilled nursing and medical care to chronic or convalescent patients. A nursing unit shall include accessory uses, including dining rooms, bathing areas, common areas, offices, clinics, therapy areas, medical

facilities and other space necessary to provide the above services.

§ 27-801 Permitted uses.

[Ord. 689, 9/10/2009]

A building may be erected or used and a lot may be used or occupied for any of the uses listed in this section.

A. The following uses are permitted by right:

Continuing care retirement community (CCRC)

Independent apartment units

Assisted living units

Skilled nursing units

Use 62 Emergency services

Use 567 Utility operating facility

Use 93 Solar Energy System

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

Use 65 Public or private parking garage

Use 90 Residential wind-energy system

§ 27-802 Density, area and dimensional requirements.

[Ord. 689, 9/10/2009]

The regulations for the following density, area and dimensional regulations applicable to a continuing care retirement community use are as follows:

- A. Tract size. The minimum tract size for the development of a CCRC shall be 75 contiguous acres.
- B. Number of dwelling units. The maximum number of independent apartment units in a CCRC shall be 2,000. In addition to the independent apartment units, up to 40% of the total number of independent apartment units may be developed as a combination of assisted living units and/or skilled nursing units.
- C. Floor area ratio. "Floor area ratio" is defined as the ratio of the gross floor area of the structure to the gross lot area upon which the use and/or structures are to be located. Exempted from gross floor area are those areas devoted to internal atriums. The maximum permitted floor area ratio for a CCRC shall be 0.665, which ratio shall include basement areas.
- D. Maximum tract impervious surface ratio: 45%. For purposes of calculating the rates, the area of the community arterial road (as that term is defined in Subsection N below) shall not be considered as a part of the tract.

- E. Maximum building height. The maximum height of any structure shall be 60 feet; provided, however, that no building which is proposed to be in excess of 50 feet in height shall be located on Jacksonville Road, Street Road or within 100 feet of the eastern boundary of the lot which is proposed to be developed.
- F. Front yard. There shall be a front yard along each street on which a lot abuts which shall be not less than 75 feet in depth, measured from the right-of-way or, where no right-of-way is provided, from the edge of the cartway; provided, however, that when bounded by an existing arterial or existing collector road or opposite a residential district, the minimum front yard shall be 100 feet from the right-of-way line of the roadway. Parking within the front yard shall be permitted; provided, however, that no parking shall be permitted within 20 feet of a right-of-way line or, in the case of a private street, within 20 feet of the edge of the cartway.
- G. Side yards. Side yards of not less than 35 feet shall be required. Parking shall be allowed in the side yards, provided that no parking shall be located within 20 feet of a property line.
- H. Rear yards. A rear yard of not less than 50 feet shall be required. Parking shall be allowed in the rear yards, provided that no parking shall be located within 20 feet of a property line.
- I. Building spacing. On lots containing more than one building, a minimum thirty-foot separation is required between buildings.
- J. Buffer yards. The buffer yard requirements of this chapter shall not apply to the CCRC District. Along the boundary of the CCRC District with Ivyland Borough, a buffer yard shall be provided, which shall be not less than 100 feet in width. No buildings shall be permitted within this buffer yard. Within this buffer yard, no parking shall be located closer than 50 feet to the boundary line of Ivyland Borough; however, driveways shall be permitted within the exterior 50 feet.
- K. Driveways. More than one driveway may be permitted on a property from a public road, provided that each driveway is a minimum of 125 feet from any other driveway.
- L. Parking and loading requirements. The required number of parking spaces for a CCRC shall be 1.1 parking spaces per independent apartment unit, which figure shall be inclusive of all staff, resident and visitor parking and all assisted living units and skilled nursing units within the CCRC. The required number of loading spaces shall be one per community building over 40,000 square feet.
- M. Aisles in parking lots. The minimum width of aisles in parking areas with two-way circulation shall be 24 feet.
- N. Access. All uses within the CCRC District shall take access from an interior roadway or shared common driveway. This shall not prevent access from a "community arterial road," which shall be defined as a road constructed for the purpose of providing access to the CCRC District or to uses within the adjacent district. A community arterial road in the CCRC District shall have a minimum right-of-way of 100 feet and a minimum cartway of 58 feet. **[Amended by Ord. 737, 1/19/2017]**
- O. Sidewalks. Sidewalks may be located within the right-of-way of public and/or private streets within the CCRC District.

Part 9

CCRC-2 Continuing Care Retirement Community-2 District

§ 27-900 **Definitions.**
[Ord. 689, 9/10/2009]

The following definitions shall apply to the terms used in this Part 9 in connection with the development of the continuing care retirement community:

ASSISTED LIVING UNITS

Dwelling units varying in square footage from 200 square feet to 500 square feet that provide a residential living environment assisted by congregate meals, housekeeping and personal services for persons, age 55 or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing, or mobility. An assisted living unit shall include accessory uses, including dining rooms, bathing areas, common areas, offices and other space necessary to provide the above services.

CONTINUING CARE RETIREMENT COMMUNITY ACCESSORY USES WITHIN A CONTINUING CARE RETIREMENT COMMUNITY-2

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

CONTINUING CARE RETIREMENT COMMUNITY-2 (CCRC-2)

A facility which has a primary purpose of providing housing and continuing care for people over the age of 55 or where either the husband or the wife is over age 55 and consists of assisted living units, senior apartment units, senior cottage units, skilled nursing facility units and continuing care retirement community accessory uses, as defined herein. For purposes of this Part 9, "continuing care" means the provision of lodging, nursing, medical or health-related services at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges.

SENIOR APARTMENT UNITS

Single-family dwelling units within a single building for persons age 55 and older.

SENIOR INDEPENDENT COTTAGE UNITS

Single-family detached and single-family attached dwelling units with an individual yard area, attached side-by-side, for persons age 55 or older. There shall be no more than five attached dwelling units.

feet, as defined in § 27-201 of this chapter, provided that where the natural grade of the property in a downward slope renders it necessary to construct a building with an exposed lower level, then, and only in that event, the maximum height of a building shall not exceed 50 feet, measured from the finished grade at the exposed lower level to the mean height between eaves and ridge for gable, hip and gambrel roofs.

- E. Building area. Buildings and structures shall not occupy more than 17% of the total tract area.
- F. Building setback from cartway. There shall be a building setback of 25 feet in depth, measured from the building to the edge of the cartway. Parking within the setback shall be permitted.
- G. Side yards. Side yards of not less than 10 feet shall be required. Parking shall be permitted in side yards.
- H. Building spacing. On lots containing more than one building, a minimum twenty-foot separation is required between buildings consisting of one story. A minimum thirty-foot separation is required between buildings consisting of two or more stories.
- I. Buffer yards. There shall be a buffer yard of 50 feet from all tract boundaries.
- J. Setback from perimeter streets. The setback from perimeter streets shall be 100 feet from the ultimate right-of-way of any principal arterial road and 60 feet from the ultimate right-of-way of any major collector road. Parking and driveways within the setback shall be permitted.
- K. Setback from tract boundary. The setback from the tract boundary, where not bounded by a perimeter street, shall be 50 feet.
- L. Streets. All "streets," defined as a way used or intended to be used by vehicular traffic or pedestrians, whether public or private, shall have a minimum cartway width of 26 feet.
- M. Driveways. The use of shared driveways shall be permitted within the CCRC-2 District.
- N. Parking requirements. The required number of parking spaces for a development in the CCRC-2 District shall be 1.1 parking spaces per senior apartment unit, which figure shall be inclusive of all staff, resident and visitor parking, and all assisted living units and skilled nursing units within the CCRC-2. The required number of parking spaces for a development in the CCRC-2 District shall be two off-street parking spaces per senior independent cottage unit, including the garage. Accessory buildings, excluding maintenance and storage facilities, shall have one off-street parking space for each 200 square feet of floor area. The requirements of this section shall supersede inconsistent requirements contained in other parts of this chapter. Parking on internal streets shall be permitted on one side of the street only.
- O. The minimum open space required in the CCRC-2 shall be 30% of the gross site area of the tract.

2. Maximum density: five dwelling units per gross acre.
3. Maximum impervious coverage: 50% of the gross lot area.
4. Common areas (any real estate within the community owned by the association and not consisting of lots and limited common elements. Limited common elements include the following: driveways, streets, a community center, a stormwater detention basin, recreational facilities, parking lots and sidewalks): 40% of gross site area.
5. Minimum building setback from existing street line and property line: 50 feet.
6. Maximum building height: 35 feet. Each building shall be one story with a loft, rather than a two-story building.
7. Buffer yard. A fifty-foot buffer yard shall be provided along all property lines of the tract. The buffer yard shall meet the requirements of § 27-2006 of this chapter. **[Amended by Ord. 737, 1/19/2017]**
8. Minimum driveway width: 12 feet.

§ 27-1002 Individual lot area and bulk requirements.
[Ord. 689, 9/10/2009]

1. Minimum lot area: 2,500 square feet.
2. Minimum lot width: 40 feet (individual).
3. Minimum lot depth: 60 feet (individual).
4. Minimum distance of a building from the edge of cartway of an interior street: 20 feet minimum, or 30 feet minimum from garage entrance.
5. Minimum distance between buildings: 25 feet, side to side.
6. Maximum units per structure: four.

§ 27-1003 General requirements.
[Ord. 689, 9/10/2009]

1. 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 Chapter 22, Subdivision and Land Development.
2. Common areas and facilities. Common areas shall be restricted from further subdivision and development by the declaration and duly recorded in the office of the Recorder of Deeds of Bucks County. Required common areas may be owned and maintained by a homeowners' or a condominium association.
3. Roads. Roads within the proposed development shall be gated and private and shall be owned and maintained by a homeowners' or condominium association. All roads shall be constructed to Township standards for public residential streets, except that all such streets within the proposed development shall have a minimum cartway width of 26 feet and be designed to accommodate emergency vehicles. The Board of Supervisors may impose parking restrictions on one side of the streets within the community and may ban parking on both sides of the streets where radii exist that

do not meet normal standards within Chapter 22, Subdivision and Land Development. A utility easement area shall be provided along all streets to provide suitable area for the location of utility lines.

4. A pedestrian circulation system shall be provided as an integral part of the proposed development.
5. Unit occupancy. Occupancy of units shall be in accordance with Federal and State Fair Housing Acts.
6. Declaration of age qualification. Subsequent to the approval of the plan for the first phase of the development, but prior to the recording of the plan, the Developer shall record a declaration against the property being developed, in a form acceptable to the Township Solicitor, binding the property and owners to the minimum age restriction of 55 years and older, which will be applicable to the project and in accordance with both federal and state fair housing regulations.
7. The Township Police Department shall be given the right to enforce the provisions of the Pennsylvania Motor Vehicle Code on streets throughout the development.
8. All units must have garages for the parking of at least one vehicle, which cannot be used for storage or converted to additional living space. These restrictions are to be included in the declaration of covenants, easements and restrictions.
9. There shall be a minimum twenty-foot distance between parking lots and any dwelling unit, and a minimum ten-foot distance between parking lots and any interior cartway.
10. The applicant shall submit a tree replacement plan for approval by the Township.
11. Where parking lots are provided in areas such as the community center, a landscape island shall be provided between every other row of parking.
12. Sidewalks may be located within the legal right-of-way, subject to the approval of the Board of Supervisors or, if applicable, the Pennsylvania Department of Transportation.

RC Retirement Community Overlay

[Adopted by Ord. 751, 1/17/2019]

§ 27-1100 Purpose and intent.

It is the purpose and intent of the Retirement Community Overlay to recognize the needs of an aging population and provide the option for older residents to age in place with a variety of appropriately designed housing options for residents 55 years of age and older in appropriate infill locations where infrastructure exists to accommodate development.

§ 27-1101 Establishment of district.

1. In furtherance of the purposes set forth above, Retirement Community Overlay is created. The Retirement Community Overlay is established as overlay zoning in specific residentially zoned parcels designated on the Zoning Map. The following eligibility criteria shall apply:
 - A. Eligibility. Eligible properties shall meet the following criteria.
 - (1) The tract shall be located in the R2 Residential District.
 - (2) Minimum tract area. The minimum tract area for a retirement community development shall be 10 acres.
 - (3) Frontage. A retirement community development shall have a minimum of 600 feet of frontage on a regional arterial street.
 - (4) Sewer and water. A retirement community development shall be served by public sewer and water services.
 - (5) The provisions and requirements of the Retirement Community Overlay set forth in this Part 10A shall not alter the applicable R-2 Residential Zoning District regulations; however, where those regulations directly conflict from the provisions and requirements of the Retirement Community Overlay, the overlay's provisions and requirements shall govern and apply.

§ 27-1102 Definitions.

The following definitions shall apply to the terms used in this Part 10A in connection with the development of a retirement community development within the Retirement Community Overlay:

ASSISTED LIVING UNIT

A dwelling unit that provides a residential living environment assisted by congregate meals, housekeeping and personal services for persons, age 55 or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility. Minimum unit size is 350 square feet. An assisted living unit shall include accessory uses, including dining rooms, bathing areas, common areas, offices and other space necessary to provide the above services.

INDEPENDENT APARTMENT UNIT

A dwelling unit containing living areas, bedroom areas, kitchen areas and bathrooms, including studio-style apartments, which houses one or more people over the age of 55 in a manner in which

they may live independently while receiving one or more meals per day in a congregate setting. Minimum unit size is 450 square feet.

INDEPENDENT ATTACHED DWELLING

A dwelling unit attached to one or more other dwelling units, all units having separate grade-level entrances, and all units being separated from each other by vertical party walls running from grade to roof with no offsets at floor levels, constructed in accordance with the Warminster Township Building Code and other ordinances of Warminster Township. Such dwelling unit shall contain living areas, bedroom areas, kitchen areas and bathrooms, and house one or more people over the age of 55 in a manner in which they may live independently. No single building shall consist of more than six units. Minimum unit size is 500 square feet. Accessory structures, except patios, are prohibited for the independent attached dwellings.

MEMORY CARE UNIT

A special care unit in a designated separate and secure area for individuals with memory loss which provides board, shelter and twenty-four-hour supervised care and assistance to seniors with Alzheimer's, dementia or other memory disorders. Memory care units are specially designed to improve the safety and quality of life for people with dementia. Memory care units will have access to a secure courtyard. Minimum unit size is 225 square feet. A memory care unit may include accessory uses, including dining rooms, bathing areas, common areas, offices, clinics, therapy areas, medical facilities and other space necessary to provide the above services.

RETIREMENT COMMUNITY

A facility which has a primary purpose of providing housing and care for people over the age of 55 or where either the husband or wife is over age 55 and shall consist of independent attached dwellings, independent apartment units, assisted living units, memory care units, and retirement community accessory uses, all as defined herein. For purposes of this Part 10A, "assisted living" means the provision of lodging, nursing, medical or health-related services at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges.

RETIREMENT COMMUNITY ACCESSORY USES WITHIN A RETIREMENT COMMUNITY

No accessory uses or structures shall be permitted other than the following: Any use necessary for the operation of the facility or for the benefit or convenience of the residents and their guests, including, but not limited to, kitchen and dining facilities, places of worship, indoor and outdoor recreational facilities and uses, retail and banking facilities, beauty salons and barbershops, gift shops, classrooms, security facilities, conference rooms, common areas, guest rooms, administrative offices, medical offices, postal center, pharmacy, maintenance facilities, craft and music rooms, library and television room and heating and cooling equipment structures, provided that the accessory use is for the primary benefit of the retirement community residents and provided that there is no exterior announcement of the use.

§ 27-1103 Permitted uses.

1. A building may be erected or used, and a lot may be used or occupied, for any combination of the purposes listed in this section. Any use(s) permitted in the underlying zoning district by right, special exception, or as a conditional use shall be permitted as such within the Retirement Community Overlay. In addition, the following shall apply:
 - A. The following use is permitted by right in the Retirement Community Overlay:

Retirement community (RC)

- B. A retirement community (RC) shall consist of a mix of all four of the following permitted sub-uses. No sub-use shall contain less than 10% of the total number of units in the retirement community:

Independent attached dwellings

Independent apartment units

Assisted living units

Memory care units

- C. The following accessory use is permitted by right in the Retirement Community Overlay, as part of a retirement community:

Retirement community accessory uses within a retirement community.

§ 27-1104 Density, area and dimensional requirements for a retirement community.

1. Density. A retirement community development shall have a maximum overall density of 18 dwelling units per gross tract acre. No more than 25% of the total dwelling units shall be independent attached dwelling units.
2. Minimum tract area. A tract area of not less than 10 acres shall be provided for every retirement community.
3. Minimum tract width. Not less than 600 feet of tract width shall be provided for every retirement community.

§ 27-1105 Yard regulations for retirement community.

1. Front yard. There shall be a front yard for each retirement community which shall not be less than 100 feet in depth as measured from Warminster Township's required ultimate right-of-way.
 - A. Canopies, overhangs or porte-cocheres may encroach into the front yard up to 45 feet.
 - B. Parking spaces shall be set back a minimum of 50 feet as measured from the Warminster Township required ultimate right-of-way.
 - C. The additional requirements of § 27-2019.2 shall not apply to a retirement community in the Retirement Community Overlay.
2. Side yards. There shall be two side yards for each retirement community, neither of which shall be less than 35 feet in width.
3. Rear yard. There shall be a rear yard for each retirement village community which shall not be less than 40 feet in depth.

§ 27-1106 Coverage regulations for retirement community.

1. Building coverage. The building coverage of a retirement community development shall not exceed 25% of the gross tract area.
2. Impervious coverage. The impervious coverage of a retirement community development shall not exceed 55% of the gross tract area.

§ 27-1107 **Height regulations for retirement community.**

1. Independent attached dwelling: The maximum height for any building or structure to be erected or enlarged in the Retirement Community Overlay containing independent attached dwellings shall be 35 feet.
2. Independent apartment units, assisted living units, memory care units: The maximum height for any building or structure erected or enlarged in the Retirement Community Overlay containing independent apartment units, assisted living units, or memory care units shall be 56 feet, not exceeding four stories.
3. The maximum height for any accessory structure shall be 20 feet.

§ 27-1108 **Parking and access regulations for retirement community.**

1. The required number of parking spaces for a development in the Retirement Community Overlay shall be 1.1 parking spaces per independent apartment unit, which figure shall be inclusive of all staff, resident and visitor parking, and all assisted living units and memory care units within the Retirement Community Overlay. The required number of parking spaces for an independent attached dwelling in the Retirement Community Overlay shall be 2 1/2 off-street parking spaces per unit, excluding the garage. The requirements of this section shall supersede inconsistent requirements contained in other parts of this chapter.
2. A minimum of one loading area shall be provided for a retirement community.

§ 27-1109 **Special requirements for retirement community.**

1. Building spacing. The distance at the closest point between any buildings shall not be less than 25 feet.
2. Number of bedrooms. An independent attached dwelling unit shall contain no more than three bedrooms. All other units shall contain no more than two bedrooms.
3. Unit occupancy.
 - A. No more than four persons shall occupy an independent attached dwelling unit in a retirement community, at least one of whom shall be 55 years of age or older. With the exception of full-time care-givers, no persons under the age of 19 shall occupy a dwelling for more than three months in a calendar year.
 - B. Occupants of any unit within a retirement community, if unrelated by blood or marriage, shall be 55 years or older.
 - C. Declaration of age restriction. At the time of subdivision and land development, as prerequisite to recording of any final plan approved, the developer shall record a declaration against the entire tract, in a form acceptable to the Township.
 - D. Unit occupancy shall otherwise comply with applicable federal law, as amended.
4. Special conveyancing. When the development of a lot and the uses therein are in accordance with a unified development plan, then a conveyance of a parcel within the development plan shall be permitted upon compliance with the following conditions:
 - A. Irrevocable cross-easements in favor of and duly binding on all title owners within the area of the development plan, their successors and assigns, with respect to use, control and maintenance of the common areas including access, green space, and parking areas are in effect and recorded. All easements shall be submitted to the Township Solicitor for review

prior to recording.

- B. Application of zoning regulations including, but not limited to, building coverage, impervious coverage, parking, loading and landscaping, as well as required area, width and yard regulations, shall apply to an overall lot approved as a unified development plan. Individual lots created pursuant to this section need not comply with these zoning requirements.
5. Utilities. All utilities shall be underground.
 6. Site lighting. Exterior lighting provided in conjunction with any retirement community development shall be designed in accordance with the requirements of § **27-2020** of the Warminster Township Zoning Ordinance.
 7. Open space. The open space in a retirement community development shall be a minimum of 20% of the gross tract area. Stormwater facilities, natural resources, buffers, and setbacks may be included within the required open space. Section **27-2102** shall not apply. The maintenance of the open space shall be the responsibility of the property owner.
 8. Buffer yard. Buffer plantings shall be installed along the property line adjacent to all existing residential uses. A six-foot-tall privacy fence shall be installed along the property line adjacent to all existing residential uses. A twenty-five-foot-wide buffer shall be required along any property lines adjacent to proposed independent attached dwelling units.

Part 12

C-1 Commercial-1 District

§ 27-1200 **Permitted uses.**
[Ord. 689, 9/10/2009]

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

A. The following uses are permitted by right: **[Amended by Ord. 737, 1/19/2017]**

Use 2	Lawn and garden center
Use 11	Place of worship
Use 12	Public or private school
Use 13	Library or museum
Use 16	Private club or lodge
Use 17	Community center
Use 19	Adult day care
Use 21	Nursing home, personal care facility, assisted living facility, or convalescent home
Use 25	Sober Living Facility
Use 26	Medical or dental office/clinic
Use 29	Business or professional office
Use 31	Retail shop
Use 32	Holiday or seasonal sales
Use 34	Consumer Fireworks Sales-Temporary
Use 35	Service business
Use 36	Bank, savings-and-loan association
Use 37	Restaurant
Use 40	Repair shop

Use 41	Mortuary or funeral home
Use 42	Hotel
Use 43	Indoor commercial entertainment
Use 44	Fitness Center
Use 46	Outdoor private recreation
Use 48	Veterinary office
Use 53	Trade or professional school
Use 57	Banquet/catering facility
Use 59	Tattoo and Body Piercing Services
Use 60	Equipment rental or motor vehicle leasing
Use 62	Emergency services
Use 64	Railway/transportation station
Use 67	Utility operating facility
Use 86	Non-Residential Accessory Structure or Building
Use 92	Accessory drive-through facility
Use 93	Solar Energy System

B. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 26 of this chapter: **[Amended by Ord. 733, 9/15/2016]**

Use 27	Alternative therapy provider
Use 28	Massage therapy center
Use 38	Tavern use
Use 39	Hookah bar/lounge use
Use 45	Day Spa
Use 50	Car wash

C. The following uses are permitted as conditional uses when authorized by the Board of Supervisors in accordance with the terms of Part **25** of this chapter:

Use 18	Day-care center
Use 49	Motor vehicle fueling station
Use 51	Motor vehicle sales
Use 52	Motor vehicle repair garage
Use 55	Large retail store
Use 58	Shopping center
Use 61	Medical marijuana dispensary
Use 65	Public or private parking garage
Use 66 [Amended by Ord. 718, 3/20/2014]	Wireless communications facility
Use 87	Motor vehicle fuel pumps
Use 89	Nonresidential wind-energy system

§ 27-1201 Area and dimensional requirements.
[Ord. 689, 9/10/2009]

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

- A. Minimum lot area. Each lot shall contain an area of not less than 15,000 square feet, with a width of not less than 80 feet at the front property line.
- B. Building area. Not more than 25% of the area of each lot shall be occupied by buildings.
- C. Front yards. There shall be a front yard along each street on which a lot abuts, which shall be not less than 35 feet in depth.
- D. Side yards. Unless otherwise provided in this chapter, each side yard shall be not less than 10 feet in width.
- E. Rear yard. Unless otherwise provided in this chapter, there shall be a rear yard on each lot, which

shall be not less than 35 feet in depth.

- F. Buffer yards. Along any zoning district boundary line or use, a buffer yard shall be provided which shall be not less than 25 feet in width, measured from such boundary line or from the street line where such street constitutes the district boundary line, and shall be in accordance with the provisions of this chapter. Such buffer yards may be conterminous with any required yard in this district, and, in case of conflict, the largest yard requirement shall apply.
- G. Off-street parking and loading space, pedestrian walkways and motor vehicle access shall be provided in accordance with the provisions of this chapter.
- H. Impervious surface ratio. No more than 50% of the total lot area shall be covered with impervious surface.

Part 13

C-2 Commercial-2 District

§ 27-1300 **Permitted uses.**
[Ord. 689, 9/10/2009]

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

A. The following uses are permitted by right: **[Amended by Ord. 737, 1/19/2017]**

Use 2	Lawn and garden center
Use 11	Place of worship
Use 12	Public or private school
Use 13	Library or museum
Use 16	Private club or lodge
Use 17	Community center
Use 19	Adult day care
Use 25	Sober Living Facility
Use 26	Medical or dental office/clinic
Use 29	Business or professional office
Use 31	Retail shop
Use 32	Holiday or seasonal sales
Use 34	Consumer Fireworks Sales-Temporary
Use 35	Service business
Use 36	Bank, savings-and-loan association
Use 37	Restaurant
Use 40	Repair shop
Use 41	Mortuary or funeral home
Use 42	Hotel

Use 43	Indoor commercial entertainment
Use 44	Fitness Center
Use 46	Outdoor private recreation
Use 48	Veterinary office
Use 49	Motor vehicle fueling station
Use 52	Motor vehicle repair garage
Use 53	Trade or professional school
Use 59	Tattoo and Body Piercing Services
Use 60	Equipment rental or motor vehicle leasing
Use 62	Emergency services
Use 65	Public or private parking garage
Use 67	Utility operating facility
Use 86	Non-Residential Accessory Structure or Building
Use 92	Accessory drive-through facility
Use 93	Solar Energy System

B. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 26 of this chapter: **[Amended by Ord. 733, 9/15/2016]**

Use 27	Alternative therapy provider
Use 28	Massage therapy center
Use 38	Tavern use
Use 39	Hookah bar/lounge use
Use 45	Day Spa
Use 50	Car wash

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

- | | |
|--------|-----------------------------------|
| Use 18 | Day-care center |
| 50 | |
| Use 51 | Motor vehicle sales |
| Use 55 | Large retail store |
| Use 58 | Shopping center |
| Use 61 | Medical marijuana dispensary |
| Use 87 | Motor vehicle fuel pumps |
| Use 89 | Nonresidential wind-energy system |

§ 27-1301 Area and dimensional requirements.
[Ord. 689, 9/10/2009]

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

- A. Minimum lot area. Each lot shall contain an area of not less than one acre, with a width of not less than 150 feet at the front property line, except for the large retail store and shopping center uses, which shall require lots in accordance with the requirements of Part 16.
- B. Building area. Not more than 25% of the area of each lot shall be occupied by buildings.
- C. Front yards. There shall be a front yard along each street on which a lot abuts, which shall be not less than 35 feet in depth.
- D. Side yards. Unless otherwise provided in this chapter, each side yard shall be not less than 10 feet in width.
- E. Impervious surface ratio. No more than 50% of the total lot area shall be covered with impervious surface.
- F. Rear yard. Unless otherwise provided in this chapter, there shall be a rear yard on each lot, which shall be not less than 35 feet in depth.
- G. Buffer yards. Along any zoning district boundary line or use, a buffer yard shall be provided which shall be not less than 25 feet in width, measured from such boundary line or from the street line where such street constitutes the district boundary line, and shall be in accordance with the provisions of this chapter. Such buffer yards may be conterminous with any required yard in this district, and, in case of conflict, the largest yard requirement shall apply.

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

Part 14

I Industrial District

§ 27-1400 **Permitted uses.**
[Ord. 689, 9/10/2009]

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

A. The following uses are permitted by right: **[Amended by Ord. 737, 1/19/2017]**

Use 12	Public or private school
Use24	Outpatient surgical center
Use 26	Medical/Dental Office
Use 29	Business/Professional Office
Use40	Repair shop
Use 43	Indoor commercial entertainment
Use 44	Fitness Center
Use 45	Day Spa
Use 46	Outdoor private recreation
Use 52	Motor vehicle repair garage
Use 54	Kennel
Use 57	Banquet/Catering Facility
Use 59	Tattoo and Body Piercing Services
Use 60	Equipment rental or motor vehicle leasing
Use 62	Emergency services
Use 64	Railway/transportation station
Use 67	Utility operating facility
Use 68	Light manufacturing

Use 69	Research and development facility
Use 70	Wholesale business and storage
Use 71	Crematorium
Use 72	Printing, publishing, binding
Use 73	Contractor offices and shops
Use 74	Warehouse Storage
Use 75	Truck terminal
Use 76	Quarry
Use 78	Standard self-storage
Use 80	Fuel storage and distribution
Use 86	Nonresidential accessory building or structure
Use 93	Solar Energy System

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

Use 47	Adult business
Use 51	Motor vehicle sales
Use77	Solid waste facility

C. The following uses are permitted as conditional uses when authorized by the Board of Supervisors in accordance with the provisions of Part **25** of this chapter: **[Amended by Ord. 718, 3/20/2014; Ord. 733, 9/15/2016]**

Use 30	Methadone treatment facility
Use 33	Consumer Fireworks Sales-Permanent
Use65	Public or private parking garage
Use 66	Wireless communications facility
Use 81	Medical marijuana grower/processor
Use 88	Heliport
Use90	Nonresidential wind-energy system

§ 27-1401 Area and dimensional requirements.
[Ord. 689, 9/10/2009]

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

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

Part 15
I-O Industrial-Office District

§ 27-1500 Permitted uses.
[Ord. 689, 9/10/2009]

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

A. The following uses are permitted by right: **[Amended by Ord. 737, 1/19/2017]**

- | | |
|--------|------------------------------------|
| Use 2 | Lawn and garden center |
| Use12 | Public or private school |
| Use 13 | Library or museum |
| Use 17 | Community center |
| Use 19 | Adult day care |
| Use 24 | Outpatient surgical center |
| Use 26 | Medical or dental office/clinic |
| Use 29 | Business or professional office |
| Use 31 | Retail shop |
| Use 35 | Service business |
| Use 36 | Bank, savings-and-loan association |
| Use 37 | Restaurant |
| Use 40 | Repair shop |
| Use 42 | Hotel |
| Use 43 | Indoor commercial entertainment |
| Use 44 | Fitness Center |
| Use 45 | Day Spa |
| Use 46 | Outdoor private recreation |
| Use 53 | Trade or professional school |

Use 55	Large retail store
Use 57	Banquet/Catering Facility
Use 59	Tattoo and Body Piercing Services
Use 60	Equipment rental or motor vehicle leasing
Use 62	Emergency services
Use 64	Railway/transportation station
Use67	Utility operating facility
Use 68	Light manufacturing
Use 69	Research and development facility
Use 70	Wholesale business and storage
Use 72	Printing, publishing, binding
Use 73	Contractor offices or shops
Use 74	Warehouse Storage
Use 86	Non-Residential Accessory Structure or Building

Use 78 Standard self-storage facility

Use 79 Indoor self-storage facility

Use 92 Accessory drive-through facility

Use 93 Solar Energy Systems

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

C. The following uses are permitted as conditional uses when authorized by the Board of Supervisors in accordance with the provisions of Part **25** of this chapter: [**Amended by Ord. 718, 3/20/2014; Ord. 733, 9/15/2016**]

Use 10 Transit-oriented development (TOD)

Use18 Day-care center

Use 20 Hospital campus

Use 65	Public or private parking garage
Use 66	Wireless communications facility
Use 81	Medical marijuana grower/processor
Use 88	Heliport
Use 89	Nonresidential wind-energy system

§ 27-1501 Area and dimensional requirements.
[Ord. 689, 9/10/2009]

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

- A. Minimum lot area. Each lot shall contain an area of not less than one acre, unless a different lot area is required for a specific use, in which case the lot area required by the use regulations shall apply.
- B. Minimum lot width: 200 feet.
- C. Building area. No more than 35% of the area of each lot shall be occupied by buildings.
- D. Maximum impervious surface. No more than 65% of the lot area shall be impervious surfaces.
- E. Front yards: 50 feet minimum, measured from the street line.
- F. Side yards: 25 feet minimum for each side yard.
- G. Rear yard: 35 feet.
- H. Buffer yards. Along any property line abutting a zoning district boundary, a buffer yard shall be provided which shall be not less than 25 feet in width, measured from such boundary line or from the street line where such street constitutes the district boundary line, and shall be in accordance with the provisions of this chapter. Such buffer yards may be coterminous with any required yard in this district, and, in case of conflict, the largest requirement shall apply. Planting requirements shall be in accordance with Chapter 22, Subdivision and Land Development.

§ 27-1502 Parks and recreation contribution.
[Ord. 737, 1/19/2017]

As a condition of the issuance of a building permit for any building or addition thereto in the I-O Industrial-Office District and within the area bounded by Street Road, Johnsville Boulevard, and Jacksonville Road, a contribution of \$1 per square foot of gross building area shall be paid to the Township Park and Recreation Fund.

Part 16
GOV Government/Public District

§ 27-1600 **Permitted uses.**
[Ord. 689, 9/10/2009]

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

A. Uses permitted by right:

- | | |
|--------|--|
| Use 1 | Agriculture |
| Use 12 | Public or private school |
| Use 13 | Library or museum |
| Use 14 | Public recreational facility |
| Use 15 | Golf course |
| Use 17 | Community center |
| Use19 | Adult day care |
| Use 54 | Kennel |
| Use 62 | Emergency services |
| Use 63 | Municipal uses |
| Use 67 | Utility operating facility |
| Use 86 | Nonresidential accessory building or structure |
| Use 89 | Nonresidential wind-energy system |

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

- B. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part **26** of this chapter: none.
- C. The following uses are permitted as conditional uses when authorized by the Board of Supervisors in accordance with the provisions of Part **25** of this chapter: **[Amended by Ord. 718, 3/20/2014]**
- | | |
|-------|----------------------------------|
| Use66 | Wireless communications facility |
|-------|----------------------------------|

§ 27-1601 Area and dimensional requirements.
[Ord. 689, 9/10/2009]

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

- A. Minimum lot area. Each lot shall contain an area of not less than one acre, unless a different lot area is required for a specific use, in which case the lot area required by the use regulations shall apply.
- B. Minimum lot width: 150 feet.
- C. Building area. No more than 25% of the area of each lot shall be occupied by buildings.
- D. Maximum impervious surface. No more than 50% of the lot area shall be impervious surfaces.
- E. Front yards: 50 feet minimum, measured from the street line.
- F. Side yards: 25 feet minimum for each side yard.
- G. Rear yard: 35 feet.

Part 17

Use Regulations

Article A. General Provisions.

§ 27-1700 Applicability of regulations. [Ord. 689, 9/10/2009]

Except as provided by law or in this chapter, in each district, no building, structure, or land shall be used or occupied except for the purposes permitted in § 27-1601 and for the zoning districts so indicated in this chapter.

§ 27-1701 Permitted uses. [Ord. 689, 9/10/2009]

1. A use listed as a use permitted by right is permitted subject to such requirements as may be specified in this chapter, subject to the requirements of Chapter 22, Subdivision and Land Development, if applicable, and subject to issuance of a zoning permit in accordance with Part 25 of this chapter.
2. A use listed as a use permitted by special exception is permitted subject to approval by the Zoning Hearing Board, subject to the requirements of Part 26 of this chapter, and subject to such further restrictions as the Zoning Hearing Board may establish.
3. A use listed as a use permitted by conditional use is permitted subject to approval by the Board of Supervisors, following receipt of a recommendation from the Planning Commission, if specifically requested by the Board of Supervisors, in accordance with the standards set forth in Part 25 of this chapter, and such further conditions as the Board of Supervisors may impose to insure the protection of adjacent uses and the health, safety, or general welfare. [Amended by Ord. 737, 1/19/2017]
4. In addition, all uses permitted by right, condition, or special exception shall be subject to any and all applicable laws, rulings, and regulations of the United States of America, the Commonwealth of Pennsylvania and their departments and agencies, including but not limited to, the United States Army Corp. of Engineers, the Pennsylvania Department of Environmental Protection, and the Pennsylvania Department of Transportation. In particular, the laws of the Commonwealth and the regulations of the Pennsylvania Department of Environmental Protections and the Bucks County Department of Health regarding waste disposal shall be adhered to. [Amended by Ord. 737, 1/19/2017]
5. Forestry use. Notwithstanding the requirements of Subsections 1 through 4 above, forestry shall be a use permitted by right in every zoning district in the Township, provided that the application for the use shall include a forestry plan and soil conservation plan that meets the standards of the Pennsylvania Department of Environmental Protection and the Bucks County Conservation District.
6. When a legitimate proposed use is not listed in the following list of uses, nor permitted in any zoning district, the Zoning Officer shall attempt to align the use with a similar listed use in order to provide for said use. If the Zoning Officer finds that such alignment is not possible, the applicant may apply to the Zoning Hearing Board for an interpretation in order to align the use with the most nearly compatible permitted use. The use must comply with the lot, area, dimensional, and design criteria of the district in which the use is permitted, and any other requirements of the uses it is most

closely aligned with must be met. It is the intent of this chapter to provide for all legitimate uses.
[Amended by Ord. 737, 1/19/2017]

§ 27-1702 Uses subject to other regulations.
[Ord. 689, 9/10/2009]

1. Uses permitted by right, by conditional use or by special exception shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building area, easements, provisions for off-street parking and loading, buffers, and to such other provisions as are specified in other parts of this chapter.
2. Uses are subject to other regulations. Uses permitted by right or by special exception shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, height, provisions for off-street parking and loading, and to such other provisions as are specified in other parts herein. All uses permitted in the Township shall be subject, in addition to these regulations, to all other applicable Township, county, state or federal requirements and licensing regulations and to the requirements of any other agency with jurisdiction. These include but are not limited to regulations for licensing of human service activities, requirements for accessibility of the disabled, sewage disposal requirements, water supply regulations, soil erosion and sedimentation control requirements, floodplain regulations, state road regulations and fire-protection requirements.
[Amended by Ord. 737, 1/19/2017]
3. Any deed restriction duly recorded by a note of restriction on a plan or deed or other document recorded at the Office of the Bucks County Recorder of Deeds, unless such restriction is shown to be unconstitutional or otherwise legally invalid shall be given full effect as part of this chapter, provided that nothing in this section shall require the Township to enforce restrictions intended to inure solely to the benefit of private parties. **[Added by Ord. 737, 1/19/2017]**

Article B.
Agricultural Uses.

§ 27-1703 Use 1, Agriculture.
[Ord. 689, 9/10/2009; as amended by Ord. 737, 1/19/2017]

Agriculture: tilling of the soil or the keeping or raising of livestock, poultry or birds, provided that:

- A. No stable or enclosure for any animal shall be located on a parcel or lot of less than 10 acres in size or within 150 feet of any property line.
- B. Livestock, Chickens, Ducks, or Turkeys
 1. No livestock, ducks, or turkeys shall be kept in any dwelling or accessory structure on any parcel less than five acres.
 2. Roosters are not permitted on any parcel within the Township.
 3. Chicken Regulations
 - a. Parcels less than one (1) acre may have a maximum of four (4) chickens. Parcels over one (1) acre may have one (1) additional chicken per acre.
 - b. No tenants are permitted to have chickens on the rented parcel.

c. Coops are considered an accessory structure and must be located no closer than five (5) feet from all property lines and must be located in the rear yard.

1. Appropriate permits are required for the coop, the fence, and the chickens
2. Coops must have at least four (4) square feet for each chicken.
3. Coops must be fully fenced in. No chicken is permitted to run at large. Fencing must also meet setback requirements. A minimum of five (5) square feet per chicken is required for the fenced area.
4. Regular cleaning of the coop/fence area is required to prevent nuisance odors. Odors may not cross property lines at any time.
5. The coop must be posted with a copy of the safe handling guidelines poster prepared by the Center for Disease Control and published at <https://www.cdc.gov/healthypets/resources/backyard-flock.pdf>

c. All food must be kept in secured and sealed containers. Food may not be left out past dusk in an area accessible to rodents or other pests.

d. It shall be considered a nuisance for chickens to be kept and maintained in a manner which produces noise, odor, attracts flies and/or rodents, or is considered a concern to public health.

C. Pot belly or miniature pigs are permitted on parcels less than five acres if pot belly pig is kept within the primary dwelling unit and not allowed to roam free.

1. Rear yards on parcels must be fully fenced to prevent the animal from roaming to adjoining properties.

D. Exotic Animals

1. Exotic animals are subject to applicable Pennsylvania law regarding such animals.

2. Exotic animals must be maintained within the primary dwelling unit at all times.

3. Exotic animals must be registered with the Township Animal Control Officer.

E. Commercial kennels are not included in this use.

**§ 27-1704 Use 2, Lawn and garden center.
[Ord. 689, 9/10/2009]**

Lawn and garden center: greenhouse or nursery; sale of plants, shrubs, trees and associated materials for the growing of plant material.

A. Minimum lot size: two acres.

B. Facilities/sales areas that are totally outside shall be fenced with a six-foot-high fence and shall be located within the I Industrial Zoning District only. **[Added by Ord. 737, 1/19/2017]**

Article C.
Residential Uses.

§ 27-1705 Use 3, Single-family detached dwelling.
[Ord. 689, 9/10/2009]

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

§ 27-1706 Use 4, Single-family buffered development.
[Added by Ord. 724, 6/18/2015]

A development of single-family detached dwelling units on smaller lots designed to permanently buffer adjacent uses from the gross lot. Notwithstanding the general dimensional requirements of the underlying zoning district, Use 3a, single-family detached buffered development, shall comply with the dimensional requirements of this section. The area, dimensional, and development requirements for Use 3a are as follows:

- A. Tract area. The minimum gross area of the tract shall be 10 contiguous acres.
- B. Minimum lot area. A lot area of not less than 9,000 square feet shall be provided for each lot.
- C. Minimum lot width. A lot width of not less than 75 feet at the building line and 70 feet at the front property line shall be provided for each lot.
- D. Front yard. There shall be a front yard along each street on which a lot abuts which shall be not less than 25 feet in depth for each lot.
- E. Side yards. There shall be two side yards provided on each lot, neither of which shall be less than 10 feet in width.
- F. Rear yard. There shall be a rear yard on each lot which shall be not less than 25 feet in depth.
- G. Building coverage. The building coverage shall not exceed 35% of the net lot area.
- H. Impervious coverage.
 - (1) The impervious coverage of each lot shall not exceed 45% of the net lot area. At the time of land development approval, the applicant shall not exceed 40% impervious coverage of the net lot area. An additional 5% impervious coverage shall be held in reserve for each lot for use by the homeowner.
 - (2) The total impervious coverage of the net tract area shall not exceed 50% of the net tract area.
- I. Building height. The maximum height for any building shall be 35 feet, not exceeding 2.5 stories.
- J. Density. The maximum permitted density shall be 2.6 dwelling units per gross tract acre.
- K. Open space.
 - (1) At least 20% of the gross tract area shall be devoted to permanent open space. If more than one requirement exists for open space, the standard requiring the higher level of open space

protection shall be followed.

(2) Chapter 22, Subdivision and Land Development, permits stormwater management facilities be included in the minimum required open space subject to the provisions of this chapter, the approval of the Board of Supervisors, and subject to the stormwater management facilities located in open space not exceeding 25% of the required open space. The applicant may locate stormwater management facilities in more than 25% of the required open space if a fee in-lieu-of open space is provided.

L. Buffer yards.

(1) A buffer yard not less than 35 feet in width shall be provided along all tract boundaries measured from such lot line or from the street line where a street constitutes the tract boundary, in accordance with the requirements of Part 20, § 27-2006, Buffer yards, except that buffer yards in a SFBD cannot be located within the required front, side or rear yard setbacks.

(2) If the provided buffer yard exceeds 35 feet in width, the areas of greater width can be counted towards the minimum open space requirements if they are adjacent to an open space area which meets the requirements of Part 21, § 27-2102, Open space, and Chapter 22, Subdivision and Land Development.

(3) If the provided buffer yard is less than 50 feet in width, a completely planted landscape screen shall be planted within the buffer in accordance with the following requirements:

(a) Canopy trees: one tree per 40 linear feet of tract boundary.

(b) Evergreen trees: one tree per 30 linear feet of tract boundary.

(c) Flowering trees: one tree per 30 linear feet of tract boundary.

(d) Shrubs: three shrubs per 20 linear feet of tract boundary.

(e) Herbaceous perennials: 10 plants per 20 linear feet of tract boundary.

(4) In addition to the buffer plantings, fencing and landscaping berms shall be provided at locations along tract boundaries as deemed necessary by the Board of Supervisors. Fencing shall be in accordance with the requirements of Part 20, § 270-2018, Fences. Berming shall be designed so as not to adversely affect site drainage or drainage occurring from off-site drainage area on adjacent properties.

(5) The buffer shall be controlled and maintained by a homeowners' association.

M. Utilities. SFBD developments shall be served by public water and sewer. All utilities shall be underground.

N. Fencing. Where required by the Board of Supervisors, fencing of sufficient height and material to constitute an effective visual screen shall be provided along all tract boundaries, in accordance with the requirements of Part 20, § 27-2018, Fences.

O. Accessory Structures: All accessory structures must be located behind the principle building in the rear yard. The structure must be five (5) feet off the side yard and rear yard property line.

P. Uncovered, unenclosed patios or decks may not extend more than 15 feet into a required rear yard.

§ 27-1707 Use 5, Two-family dwelling.
[Ord. 689, 9/10/2009]

Two-family dwelling: a semidetached dwelling unit having only one wall in common with another dwelling unit, with no more than two dwelling units per structure.

§ 27-1708 Use 6, Single-family attached dwelling (townhouse).
[Ord. 689, 9/10/2009]

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

§ 27-1709 Use 7, Multifamily dwelling (apartment, garden apartment).
[Ord. 689, 9/10/2009]

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

§ 27-1710 Use 8, Mobile home park.
[Ord. 689, 9/10/2009]

1. Definitions. The following definitions shall apply to the mobile home park use:

COMMON OPEN SPACE

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

LANDOWNER

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

MOBILE HOME

A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and 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 necessary for the erection thereon of a single mobile home.

MOBILE HOME PAD

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

MOBILE HOME PARK

A parcel or contiguous parcels of land which have been so designated and improved that they contain two or more mobile home lots for the placement thereon of mobile homes.

2. Application procedure. An application for development of a lot or parcel of land for mobile home park purposes shall be made and approved or approved as modified before any zoning permit for such use shall be issued. Chapter 22, Subdivision and Land Development, Part 7, Mobile Home Parks, of the Code of the Township of Warminster shall govern the processing of all applications for mobile home park development and is accordingly incorporated herein by reference in its entirety. **[Amended by Ord. 737, 1/19/2017]**
3. Approval. In addition to the requirements contained in Chapter 22, Subdivision and Land Development, Part 7, Mobile Home Parks, an applicant for preliminary or final approval of a mobile home park shall meet the following requirements: **[Amended by Ord. 737, 1/19/2017]**
 - A. Access. Provisions shall be made for safe and efficient circulation to and from public streets and highways serving the mobile home park development without causing interference or confusion with the normal traffic flow.
 - B. Site drainage requirements. The ground surface on all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner in accordance with Chapter 22, Subdivision and Land Development, and Chapter 26, Water and Stormwater Management.
 - C. Mobile home park street system. All streets shall be constructed in accordance with the Township specifications applicable to public streets in conventional residential developments.
 - D. Management office. A mobile home park shall permit one management office which shall conform to the applicable dimensional requirements of Chapter 22, Subdivision and Land Development.

§ 27-1711 Use 9, Mixed-use development.

[Ord. 689, 9/10/2009; amended by Ord. 724 6/18/2016; Ord. 733, 9/15/2016]

Development requirements for this use are set forth in § 27-503 of this chapter.

§ 27-1712 Use 10, Transit-oriented development (TOD).

[Ord. 689, 9/10/2009]

1. Purpose and intent. The intent of the Township in permitting development pursuant to this section is as follows:
 - A. To provide for an intensity and type of residential land use that is compatible with and supportive of the use of public transportation.

- B. To recognize the publications of the Delaware Valley Regional Planning Commission (DVRPC) that support transit-oriented development around rail facilities that encourage use of public transit opportunities.
 - C. To encourage redevelopment of obsolete or vacant properties which are strategically located in close proximity to fixed-rail passenger stations.
 - D. To provide for flexibility in lot sizes, setbacks, and other area and bulk requirements so that imaginative and innovative designs can be developed.
 - E. To encourage mixed-use development consistent with traditional neighborhood design.
 - F. To ensure that mixed-use development is consistent in character in its residential and nonresidential components.
 - G. To encourage the provision of a pedestrian environment and to promote a pedestrian orientation of buildings and streets.
 - H. To encourage development that includes open and recreational spaces as focal points.
2. Use regulations. TOD development shall be permitted on those tracts within 1,000 feet of an existing or proposed commuter rail station and/or support parking lot for such station when authorized as a conditional use by the governing body. The following uses are permitted when authorized as a conditional use: **[Amended by Ord. 733, 9/15/2016]**
- A. Multifamily dwelling.
 - B. Single-family attached dwelling (townhouse) (Use 5), provided that no single building may consist of more than 12 dwellings.
 - C. Mixed-use buildings, provided the uses within such buildings are individually permitted elsewhere in this section.
 - D. Business or professional office (Use 25) or governmental office (Use 51).
 - E. Retail and consumer service uses; retail shops and stores (Use 27); service businesses (Use 28); banks and savings-and-loan associations (Use 29); restaurants (Use 30) (provided that takeout service shall be permitted).
 - F. Day-care center (Use 17) (except that nursery school or kindergarten shall not be permitted).
 - G. Parking facilities, including structured parking, to serve the TOD development.
 - H. Playgrounds, parks, tot-lots, community centers, clubhouse, recreation center, swimming pools, plazas and open spaces to serve the residents of the TOD development.
 - I. Accessory uses as follows:
 - (1) Guard house and/or entrance gates, management office, garage for storage of vehicles or maintenance equipment and materials.
 - (2) No-impact home-based business (Use 70).
 - (3) Clubhouse, including fitness center, activity rooms, kitchen, craft or card rooms, lounges

or similar facilities limited to use by residents of the TOD and their invited guests.

- (4) Covered walks and passenger shelters.
- (5) Uses and structures customarily incidental to a permitted use.

J. Forestry uses in accordance with Section 603(f) of the Municipalities Planning Code, 53 P.S. § 10603(f).

3. Development standards.

A. General.

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

B. Density, mix and tract-wide area and bulk requirements. **[Amended by Ord. 733, 9/15/2016]**

- (1) The maximum residential density for a TOD development shall not exceed 14 dwelling units per gross acre measured over the entire TOD tract.
- (2) All TOD developments shall provide a mix of residential uses, nonresidential uses and open space. The area devoted to residential uses shall be no less than 70% of the gross building square footage. The area devoted to nonresidential uses shall be no less than 30% of the gross building square footage.
 - (a) Where there exists a retail or commercial center which is contiguous and which is provided with pedestrian link(s) to the TOD tract, then the sum of both tracts may be utilized in determining the area devoted to nonresidential uses, provided that all parcels are subject to an approved pedestrian link and streetscape beautification plan. An appropriate declaration shall be recorded identifying all relationships and restrictions between the parcels. In no event shall this option count for more than 1/2 of the required nonresidential component.
- (3) The area devoted to open space shall be no more than 30% and no less than 20% of the total tract area.
 - (a) A distinct calculation shall also be required for common open space uses. See § 27-

2102 herein for method of calculating the area and location of required common open space uses.

- (4) Building and impervious coverage. The maximum building coverage shall not exceed 30% of the tract area. The total impervious surfaces, including buildings, shall not exceed 70% of the tract area.
- (5) Tract setback requirements:
 - (a) External roads. Buildings shall be set back a minimum of 100 feet, and parking areas shall be set back a minimum of 65 feet from external road rights-of-way.
 - (b) Parking situated within the one-hundred-foot front yard shall be provided with a wall, hedge or earthen mounds to a minimum height of three feet, six inches positioned between the edge of paving and the adjacent road frontage.
 - (c) Other external property lines. Buildings shall be set back a minimum of 50 feet. Parking shall be set back a minimum of 25 feet, although this shall be reduced to five feet for parking where properties abut railroad tracks, rail passenger station property, or a nonresidential district.
 - (d) No building or structure of any kind or parking facility shall be located closer than 50 feet to any side or rear property line adjacent to a residential district unless it abuts railroad tracks, in which case a minimum of 25 feet setback shall be provided.
- (6) Building height. The maximum height of any building or other structure erected or used for any purpose herein shall be not more than 40 feet.

C. Residential and mixed-use building regulations.

- (1) No individual building containing only dwellings shall contain more than 20 dwelling units or exceed a total length of 200 feet.
- (2) No individual building used for nonresidential purposes on at least one floor shall exceed a total length of 300 feet.
- (3) Building spacing. The minimum horizontal distance between facing walls of any two buildings or one building with facing walls shall be:
 - (a) Fifty feet where two facing walls both contain a window or windows.
 - (b) Thirty feet where two facing walls are both less than 75 feet in length, regardless of whether or not windows are present.
 - (c) Forty feet for conditions not listed above.
- (4) Architectural design guidelines.
 - (a) The standards set forth in Subsection **3D(2)(d)** and **(e)** of this section shall apply to all residential buildings.

D. Nonresidential uses, including commercial and nonresidential parking areas.

- (1) Buildings containing nonresidential uses shall comply with the following:

- (a) The maximum floor area ratio shall be 75% of the area designated to include retail, consumer services or office land uses.
 - (b) No single nonresidential use shall exceed 10,000 square feet.
 - (c) For purposes of this district, separate buildings are encouraged to be attached by roofs or canopies in order to create covered sidewalks and outdoor gathering/seating areas.
- (2) Architectural design and location guidelines.
- (a) Location. All nonresidential uses and associated parking shall be generally located on a portion of the tract that is either generally centered in the tract or closest to the external roadways. Parking areas shall be screened from public street frontage to a height of not less than 30 inches using a wall or evergreen hedge.
 - (b) Building orientation and entrance. Front facades of nonresidential buildings shall generally be oriented toward an internal street or driveway.
 - (c) Building spacing. The distance between two or more buildings shall be a minimum of 30 feet or no less than the height of the taller building, whichever is greater, unless the buildings are attached by a roof, in which case the spacing may be reduced to 20 feet.
 - (d) Walls and windows.
 - 1) Blank walls shall not be permitted along any exterior wall facing an internal or external street or driveway.
 - 2) Windows, dropped rooflines or architectural columns or variations greater than three feet from the wall surface or changes in wall materials shall be considered acceptable options to comply with the blank wall requirement.
 - 3) The ground floor of any retail use wall facing a street or driveway shall contain windows in accordance with the following:
 - [a] Front facades shall consist of at least 30% but not more than 75% window area.
 - [b] Reflective glass in windows is not permitted.
 - (e) Roofs. All buildings shall have pitched primary roofs with a pitch of at least six vertical inches to every 12 horizontal inches. Pitched parapet roofs shall be provided with a pitch of at least five vertical inches to every 12 horizontal inches.
 - (f) Building presentation. All buildings shall provide architectural features, which shall be designed with a single unifying architectural theme and shall incorporate natural materials, neutral or pastel colors, pitched roofs, and mullioned windows. The use of porches, entrance porticos, dormers, cupolas, and other architectural details is encouraged and shall be included where appropriate. Parking lots, landscaping, and signage shall be designed to complement the architectural design.

E. Pedestrian and transit-oriented design elements.

- (1) Sidewalks or other walkways as deemed acceptable to the Township Board of Supervisors shall be provided along all internal streets and external streets.
- (2) Convenient pedestrian connections shall be provided from all building entrances to parking areas, open space and recreational areas, the residential uses on the tract and to the nonresidential component of the TOD tract.
- (3) Sidewalks or walkways shall connect to existing sidewalks on abutting tracts.
- (4) All sidewalks and walkways providing primary connections to off-tract trails and/or nonresidential uses shall be a minimum of five feet in width.
- (5) Site amenities, such as bicycle racks, benches, and trash receptacles, shall be provided in appropriate locations.
- (6) A walkability plan shall be provided, which shall consist of a system of sidewalks and trails which shall:
 - (a) Connect all land use sections of the tract.
 - (b) Provide access along or adjacent to existing street frontage to adjacent uses.
 - (c) Provide a continuous link to adjacent public transit facilities.
- (7) Internal streets, alleys, and aisleways for TOD development.
 - (a) Interior streets and parking aisleways which provide for two-way vehicular movement shall have a minimum width of 25 feet.
 - (b) Alleys shall have a minimum width of 20 feet.
 - (c) Interior streets and parking aisleways which provide for only one-way vehicular movement shall have a minimum width of 15 feet.
- (8) Access with external streets.
 - (a) Each TOD property shall provide not more than two points of vehicular access per street frontage.
 - (b) Access points shall be separated by a minimum of 150 feet and shall be aligned with existing roads or driveways where practicable.

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

- (1) Retail commerce, service businesses, banks and savings-and-loan associations: five spaces per 1,000 square feet of floor area.
- (2) Offices: four spaces per 1,000 square feet of floor area.
- (3) Restaurants (Use 30): as required in § 27-2200, Subsection 1Q.

- (4) Residential: two spaces per dwelling unit (which may include one garage space), plus 1/2 space per dwelling for visitor/overflow.
- (5) General standards.
 - (a) Parking areas shall be interconnected and cross-easements provided to ensure that shared use is provided.
 - (b) Where the applicant can demonstrate that different nonresidential uses have differing peak parking demand periods or that other parking is available for the use, the Board of Supervisors may authorize, as part of the conditional use approval, shared parking such that the total number of spaces provided is less than the sum of the requirements of the individual uses. In no case shall this result in a total reduction of parking provided of more than 25% of that required on a nonshared basis.
 - (c) On-street parallel parking may be used to meet up to 30% of the parking requirements for all uses.
 - (d) Off-street parking and garages should be designed such that vehicular access does not dominate the primary internal driveway(s) or existing external streetscape. The main internal drive is the primary connecting access cartway that connects the internal driveways and parking lots to the external street system.

G. Loading and trash disposal.

- (1) Such areas shall be provided as needed for all nonresidential uses. Section **27-2203** of this chapter shall not apply to individual retail or office uses of less than 4,000 square feet of floor area.
- (2) Such areas shall be concealed where practicable and shall be acoustically and visually screened from view from public streets and residential land uses.

H. Landscaping and buffering.

- (1) Landscaping, including street trees and parking lot landscaping, shall be provided in accordance with the requirements of § **22-523** of Chapter **22**, Subdivision and Land Development. [**Amended by Ord. 737, 1/19/2017**]
- (2) Residential elements of the TOD shall be provided with a minimum ten-foot-wide buffer strip or fence to a minimum height of six feet when adjacent to nonresidential uses outside of the TOD District.
- (3) TOD property lines adjacent to residential land uses shall be provided with a screen buffer.
- (4) Yard areas contiguous to adjacent internal streets not utilized for driveways shall be provided with not less than a fifteen-foot setback of lawns and landscaping, exclusive of sidewalks.

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

- (1) Common open space for the purposes of determining compliance with this section may include central open space; plazas; active recreation areas, such as pools, walking paths, and tennis courts; formal landscape gardens; and gathering or gateway areas along or adjacent to

the pedestrian link to public transit. Stormwater management facilities, individual lots for residential land uses, if provided, parking lots and driveways shall not be counted as common open space.

- (2) The common open space requirement shall be calculated on an overall tract basis, but the required common open space areas of a tract may be provided in total or in part within either the residential or nonresidential land use portion of the tract.
- (3) At least 50% of the required common open space shall be provided in the form of one or more central spaces, which shall meet any one or more of the following design options:
 - (a) Village green or plaza. Each village green or plaza shall:
 - 1) Be at least 10,000 square feet in size.
 - 2) Have an average width of at least 75 feet.
 - 3) Be surrounded along at least 45% of its perimeter by roads or common parking areas or by nonresidential or residential buildings with front facades facing the village green or plaza.
 - 4) Include decorative paved surfaces for pedestrian purposes, such as walking, gathering or sitting.
 - (b) Recreation center, clubhouse or similar active or passive recreation area.

J. Lighting.

- (1) Lighting shall be provided at intersections along all perimeter public streets, at regular intervals along interior streets and interior walkways and parking areas at spacing sufficient to provide illumination of not less than one footcandle at ground surface.
- (2) Lighting standards shall be traditional in design and consistent in style within both the residential and nonresidential areas of the TOD tract.
- (3) Residential lighting standards shall be provided with a maximum height of 14 feet, measured to the top of the light fixture.
- (4) Nonresidential lighting standards shall be provided with a maximum height of 20 feet, measured to the top of the light fixture. Fixtures shall be provided with a residential cutoff when adjacent to residential land uses within and adjacent to the TOD tract.
- (5) Section **22-524** of Chapter **22**, Subdivision and Land Development, shall apply unless specifically waived or modified by the Township Board of Supervisors. [**Amended by Ord. 737, 1/19/2017**]

K. Signage. The following signs shall be permitted:

- (1) One freestanding development name sign at each street entrance, not greater than 40 square feet and not higher than eight feet above ground elevation, measured to the highest elevation of the sign.
- (2) One facade, projecting or awning sign is permitted, not greater than 20 square feet each, for each nonresidential business or use.

- (3) Directional signs, not greater than four feet each and not greater than one per acre of tract area.
 - (4) Two directory signs limited to names and address of uses on the premises, not greater than 16 square feet each.
 - (5) Signs are permitted to be externally illuminated only. No LED external signs are permitted.
 - (6) Signs permitted in § **27-2303**, Subsection **1**, shall be permitted in the residential land use components of the TOD.
- L. In the event that a portion or all of a TOD is changed to a condominium form of ownership, the condominium association documents shall be submitted to and approved by the Township Solicitor.
 - M. The open space standards of § **27-2102** shall not apply to a development in the TOD District. The minimum open space required shall be determined by the open space and common open space uses provided herein.
 - N. If the forest disturbance provision of this chapter cannot be met, mitigation of any excess clearance of forested areas would be permitted.
4. Application for approval.
- A. The TOD shall be permitted as a conditional use, and application shall be made for such approval in accordance with the provisions of Part **25** of this chapter.
 - B. Such applications shall be accompanied by a conditional use plan showing the relationship among the various components of the proposed development. The conditional use plan shall be prepared at a scale appropriate to the size of the property and in sufficient detail to demonstrate that the plan complies with the requirements of this chapter. The conditional use plan shall be conceptual in nature and shall not be required to meet the provisions of a preliminary subdivision or land development plan. The conditional use plan shall include the following elements:
 - (1) An existing features plan, which shall indicate the tract size, outbounds of the tract, topography, wetlands, woodlands, floodplains, recorded easements and rights-of-way and any other significant physical or man-made features existing on the tract.
 - (2) A general land use plan, which shall indicate the general locations of all land uses included on the tract. The total number and type of dwelling units and the amount of nonresidential square footage shall be provided. The residential density and the overall tract intensity (building and impervious coverage) shall be provided. The plan shall indicate the location, size and height of proposed buildings within the development, the location and amount of common open space, along with any proposed recreational facilities, such as but not limited to pedestrian pathways, community greens, community centers, etc.
 - (3) Conceptual architectural renderings showing the general design, scale and materials of residential and nonresidential buildings within the TOD development.
 - (4) A conceptual utility plan shall be included, which shall indicate the proposed location of sanitary sewer and waterlines, along with a narrative indicating the feasibility of such facilities. The plan shall also show the approximate areas needed for stormwater management.
 - (5) A traffic study shall be submitted, which analyzes the likely impacts of the proposed development at the locations of vehicular access into the tract to be developed and makes traffic improvement recommendations in accordance with standard traffic engineering

procedures.

C. An applicant for a conditional use shall have the burden of establishing:

- (1) That the application falls within the provision of this chapter which accords the applicant the right to seek a conditional use.
- (2) That the allowance of the conditional use will not be contrary to the public interest.
- (3) Credible evidence relating to the above, as well as any specific criteria established for the conditional use within the district allowed.
- (4) That the application shall be suitable in terms of effects on highway traffic and safety, including the arrangement for access and interior circulation to protect streets from undue congestion and hazard. When required by the Township, a traffic impact report shall be prepared, at the applicant's expense, to demonstrate the impact of the proposal on the levels of service of adjoining street frontages and intersections along major highways within 1,000 feet of the property. If required as a condition of approval by the Board of Supervisors, the applicant shall be required to implement required traffic and transportation improvements and/or detail the source for these improvements and coordinate the phasing of the proposed development with those highway intersection improvements deemed appropriate by the Township.

Article D.

Religious, Educational, Recreational and Institutional Uses.

§ 27-1713 Use 11, Place of worship. [Ord. 689, 9/10/2009]

Place of worship: any structure or structures used for worship or religious instruction, including social and administrative rooms accessory thereto.

- A. The lot shall have direct access to an arterial street as defined and designated by Township ordinances. **[Amended by Ord. 737, 1/19/2017]**
- B. Housing for religious personnel on such lot shall meet the minimum requirements for residential uses.
- C. Day care and nursery school/kindergarten are permitted as accessory uses to a place of worship.

§ 27-1714 Use 12, Public or private school. [Ord. 689, 9/10/2009]

Public or private school: public, religious, sectarian and nonsectarian, or private school.

- A. The lot shall have direct access to an arterial street as defined and designated by Township ordinances. **[Amended by Ord. 737, 1/19/2017]**

§ 27-1715 Use 13, Library or museum. [Ord. 689, 9/10/2009]

Library or museum: facility open to the public or connected with a permitted educational use.

§ 27-1716 Use 14, Public recreational facility.
[Ord. 689, 9/10/2009]

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

§ 27-1717 Use 15, Golf course.
[Ord. 689, 9/10/2009]

Golf courses shall be subject to the following additional provisions:

- A. A minimum lot area not less than 10 acres shall be required.
- B. All buildings shall be a minimum of 100 feet from any lot line.
- C. A buffer shall be provided in accordance with the requirements of § 22-523 of Chapter 22, Subdivision and Land Development. **[Amended by Ord. 737, 1/19/2017]**

§ 27-1718 Use 16, Private club or lodge.
[Ord. 689, 9/10/2009]

A private club or lodge, other than a golf course, shall be subject to the following additional provisions:

- A. The use shall be for members and their guests only.
- B. The minimum lot area shall be four acres when the use is located within the R-1, R-2, R-3 or R-4 District.
- C. The use shall have access to and frontage on an arterial road when located within an R-1, R-2, R-3 or R-4 District.

§ 27-1719 Use 17, Community center.
[Ord. 689, 9/10/2009]

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

§ 27-1720 Use 18, Day-care center.
[Ord. 689, 9/10/2009]

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

- A. Minimum lot area: one acre.
- B. The minimum yard, setback and lot width requirements for the applicable zoning district shall be met, and all area and dimensional requirements of the licensing agency shall be met.

- C. An outdoor play area shall be provided. This area shall be located to the side or rear of the lot. The minimum required areas of such an outdoor recreational facility shall be as required under applicable state licensing requirements for each child in the facility.
- D. Prior to the granting of a certificate of occupancy, the applicant must obtain a license from the Department of Public Welfare, Bureau of Child Development Programs. Licensure is certification of compliance with Chapter II, Section 8A, of the Department of Public Welfare's Social Services Manual by this Department to the applicant, subject to licensure under Article X of the Public Welfare Code.
- E. The hours of operation shall be limited from 6:30 a.m. to 6:00 p.m., Monday through Friday, and at no other time and on no other day.

§ 27-1721 Use 19, Adult day care.
[Ord. 689, 9/10/2009]

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

§ 27-1722 Use 20, Hospital campus.
[Ord. 689, 9/10/2009]

Hospital campus: an institution, facility, unit or building, or a component of the aforementioned, licensed by the state and providing health care services and medical or surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including but not limited to related facilities such as a laboratory, outpatient facility, training facility, emergency medical service facility, physician offices and medical office buildings, subject to the following additional provisions:

- A. Minimum lot area: 20 acres.
- B. Building area. Not more than 50% of the net lot area, i.e., the acreage within the right-of-way line of the abutting streets, of each lot shall be occupied by buildings.
- C. Maximum impervious coverage: 60%.
- D. Yard requirements:
 - (1) Minimum front yard: 100 feet.
 - (2) Minimum rear and side yard: 50 feet.
- E. Open space. At least 20% of the net acreage shall be usable open space, i.e., not devoted to buildings, driveways, or other paved areas. The required open space may include no more than 50% of the buffer yard.
- F. Buffer yards. Buffer yards shall be provided along all property lines adjacent to residential uses,

which shall be not less than 25 feet in width.

G. Special development requirements.

- (1) The tract of land on which this use is constructed shall, in its entirety, be owned and operated as a single or common management and maintenance unit with parking, utility, maintenance and service facilities.
- (2) The site shall have direct access to a public street. The existing road system shall be able to accommodate the peak traffic generated by the institution in a safe and efficient manner.
- (3) Surrounding streets shall not be impacted by a peak-hour increase in traffic of more than 5%, or an average daily traffic increase exceeding 5%, due to operation of this use or any expansion thereof.
- (4) A system of efficient ingress, egress and internal vehicular circulation resulting in minimal interference with surrounding traffic flow shall be provided.
- (5) In addition to sign regulations set forth in this chapter, each internal building is permitted one identification sign per building wall, limited to 5% of the wall area, as measured by the width of the wall to a height of 20 feet, or a maximum size of 20 square feet, whichever is greater. Each site access point from a public street, and each internal access point to any parking area or building, is permitted one freestanding directional sign, not to exceed six square feet in area.
- (6) A defined location for the collection of solid waste material and a plan for periodic disposal of the same shall be required. All solid waste shall be stored in covered containers or in permanent structures designated principally for such use. All waste shall be placed within the building envelope.
- (7) All loading, maintenance, storage, tank, and waste facilities shall be located internally on the site such that they are not visible from any adjoining street.
- (8) Existing hospital campus users shall, as part of an application for approval of an expansion of the facility, submit a master facilities plan, as approved or revised by the institution.
- (9) Conditions governing existing facility expansion.
 - (a) Expansion of an existing facility shall be related to an increase in existing services or to allow for the addition of a use ancillary or accessory to the established use. A second primary facility, operated by any other entity, is not permitted without subdivision of the property with essentially conforming lot dimensions.
 - (b) All expansion shall maintain the existing character of the buildings on the site and the character of surrounding residential neighborhoods. In order to accommodate this requirement, the following conditions shall be applicable:
 - 1) Developable land within the center of the site shall be used for expansion before land close to the perimeter of the site, so as to minimize the impact on existing residential character.
 - 2) Whenever possible, taking into account physical constraints of the site, the required open space area shall be continuous and uninterrupted by development.
- (10) Building facades may not be longer than 160 feet without a minimum ten-foot-deep building

offset. No building shall be longer than 320 feet in length, regardless of the number of building offsets.

(11) Landscape and buffer requirements.

- (a) All yards. A landscape buffer shall be provided along the property line of each yard area for the entire required depth.
- (b) Residential buffer. Along the side or rear property line of any yard adjoining a residential zoning district, a yard buffer of not less than 25 feet in depth, measured from such line or from the street line where such street constitutes the property line, shall be provided. Such buffer may be coterminous with any required yard minimum in the underlying zoning district, and, in case of conflict, the larger yard requirements shall apply. All buffer yard planting requirements shall be in accordance with the requirements of Chapter 22, Subdivision and Land Development.

§ 27-1723 Use 21, Nursing home, personal care facility, assisted living facility or convalescent home.

[Ord. 689, 9/10/2009]

Nursing homes, personal care facilities, assisted living facilities or convalescent homes shall be subject to the following additional requirements:

- A. All facilities shall comply with the applicable state and federal laws and licensing requirements. Proof of compliance shall be made available to the Township.
- B. Minimum lot area: two acres.
- C. Building area. Not more than 30% of the net lot area, i.e., the acreage within the right-of-way line of the abutting streets, of each lot shall be occupied by buildings.
- D. Yard requirements:
 - (1) Minimum front yard: 150 feet or three times the height of the building, whichever is larger.
 - (2) Minimum rear and side yard: 50 feet or one time the height of the building, whichever is larger.
- E. Access. All facilities shall have direct access to an arterial road.
- F. Open space. At least 40% of the net acreage shall be usable open space, i.e., not devoted to buildings, driveways, or other paved areas. The required open space may include no more than 50% of the buffer yard.
- G. Buffer yards. Buffer yards shall be provided along all property lines, which shall be not less than 100 feet in width, measured from such line or from the street line where such street constitutes the property line. Such buffer yard may be conterminous with any required yard minimum this district, and, in case of conflicts, the larger yard requirements shall apply. All buffer yards shall be in accordance with the requirements of this chapter.
- H. Utilities. Each building and use shall be served by public water and sanitary sewer facilities at the time of development.
- I. Accessory uses. The use may include accessory uses, such as laundry rooms, retail food sales, beauty shops and barbershops, stationery and newspaper shops, medical clinics, social service

offices and other small services, provided that the total area occupied by such services shall not exceed 15% of the total floor space area of the building and shall be intended to serve the residents of the housing development.

§ 27-1724 Use 22, Youth services.

[Ord. 689, 9/10/2009; amended by Ord. 711, 9/20/2012]

Youth services: charitable use providing twenty-four-hour supervised care for individuals under the age of 21, including religious facilities, accessory administrative and executive offices, group housing facilities, recreational and educational facilities, provided that the regulations set forth in this chapter for this youth services use, including, but not limited to, §§ 27-401, Subsection 3, 27-501, Subsection 2, 27-601, Subsection 2, and 27-701, Subsection 2, shall not apply to facilities providing service to individuals who are handicapped as that term is defined by the Federal Fair Housing Amendments Act, 42 U.S.C. § 3602(h).

§ 27-1725 Use 23, Cemetery.

[Ord. 689, 9/10/2009]

Cemetery: a burial place or graveyard, including a mausoleum or columbarium.

- A. Minimum lot area: five acres.
- B. Minimum yards (front, side and rear): 100 feet.
- C. Lot coverage for accessory buildings and parking facilities. No more than 10%, to a maximum of five acres, may be devoted to aboveground buildings or impervious surfaces not serving as burial markers or memorials.
- D. A cemetery may be accessory to a place of worship.

§ 27-1726 Use 24, Outpatient surgical center.

[Ord. 689, 9/10/2009]

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

§ 27-1727 Use 25 Sober living facility.

[Added by Ord. 733, 9/15/2016]

Sober living facility: a facility wherein individuals reside together for purposes of recovering from drug, alcohol, and/or substance abuse.

Prior to the issuance of any permit or certificate of occupancy, all sober living facility operators must provide proof in a form acceptable to the Township that they are a member in good standing and in compliance with all the rules and/or regulations of a countywide or statewide association. Annually thereafter, each operator must provide similar proof that they remain a member in good standing and in compliance with all the rules and/or regulations of a national, county or state association.

Article E.
Office Uses.

§ 27-1728 Use 26, Medical or dental office/clinic.
[Ord. 689, 9/10/2009]

Medical or dental office/clinic: for the examination or treatment of persons as outpatients, including laboratories incidental thereto.

§ 27-1729 Use 27, Alternative therapy provider.

1. Alternative therapy provider includes:

- A** The practice of an individual who uses touch to affect the energy systems, acupoints, Qi meridians or channels of energy of the human body while engaged within the scope of practice of a profession with established standards and ethics. Such practices include acupressure, Asian bodywork therapy, polarity therapy bodywork, quigon, reiki, shiatsu and tui na;
- B.** Reflexology;
- C.** The practice of an individual who uses touch, words and directed movement to deepen awareness of existing patterns of movement in the body and to suggest new possibilities of movement, while engaged within the scope of practice of a profession with established standards and ethics; and/or
- D** Cold scoping and plaza treatments.

2. Special exception criteria.

- A.** All persons providing therapy services shall have obtained all necessary licenses required by the Commonwealth of Pennsylvania or the Township. If unlicensed individuals are determined to be providing services, any special exception approval previously granted shall become void.
- B.** The premises must comply with applicable ordinances of the Township, including, but not limited to, the building, fire prevention and zoning ordinances of the Township.
- C.** Treatment rooms shall be at least 50 square feet of floor area and shall maintain a light level of no less than 20 footcandles as metered at three feet above the surface of the floor (for illustrative purposes only, such light level is equivalent to light from a single forty-watt fluorescent lightbulb in the fifty-square-foot room). Such rooms shall contain a door incapable of being locked from either the exterior or the interior.
- D.** Therapies may commence operation no earlier than 7:00 a.m. and extend no later than 10:00 p.m.
- E.** An alternative therapy center shall prominently and publicly display its license on the premises, and each therapists' license shall be available for inspection. Price rates charged for any and all services shall be prominently posted in the reception area in a location available for view, and no charges may be made other than in accordance with such posted rates.
- F.** The owner or licensee or duly authorized manager shall be on duty at all times during the hours such establishment is open for business, such owner, licensee or manager shall be identifiable by prominently wearing an identification badge to that affect.

G. Eating or drinking shall not be permitted on the premises, including, but not limited to, the serving, either for sale or otherwise, or the possession of any alcoholic beverages.

H. Animals, except for service animals for the handicapped, shall not be permitted within the therapy centers.

**§ 27-1730 Use 28, Massage therapy center.
[Added by Ord. 733, 9/15/2016]**

1. Special exception criteria.

- A. All persons providing therapy services shall have obtained all necessary licenses required by the Commonwealth of Pennsylvania or the Township. If unlicensed individuals are determined to be providing services, any special exception approval previously granted shall become void.
- B. The premises must comply with applicable ordinances of the Township, including, but not limited to, the building, fire prevention and zoning ordinances of the Township.
- C. Treatment rooms shall be at least 50 square feet of floor area and shall maintain a light level of no less than 20 footcandles as metered at three feet above the surface of the floor (for illustrative purposes only, such light level is equivalent to light from a single forty-watt fluorescent lightbulb in the fifty-square-foot room). Such rooms shall contain a door incapable of being locked from either the exterior or the interior.
- D. Therapies may commence operation no earlier than 7:00 a.m. and extend no later than 10:00 p.m.
- E. A massage therapy center shall prominently and publicly display its license on the premises, and each massage therapists' license shall be available for inspection. Price rates charged for any and all services shall be prominently posted in the reception area in a location available for view, and no charges may be made other than in accordance with such posted rates.
- F. No person under the age of 18 shall be permitted to enter or remain on the premises or receive any massage.
- G. The owner or licensee or duly authorized manager shall be on duty at all times during the hours such establishment is open for business, such owner, licensee or manager shall be identifiable by prominently wearing an identification badge to that affect.
- H. Eating or drinking shall not be permitted on the premises, including, but not limited to, the serving, either for sale or otherwise, or the possession of any alcoholic beverages.
- I. Animals, except for service animals for the handicapped, shall not be permitted within massage therapy centers.

**§ 27-1731 Use 29, Business or professional office.
[Ord. 689, 9/10/2009]**

**§ 27-1732 Use30, Methadone treatment facility.
[Ord. 689, 9/10/2009]**

Methadone treatment facility: a facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

1. Conditional Use criteria.

- A A methadone treatment facility shall not be operated or maintained on a parcel within 500 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.
- B. A methadone facility shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be denied or revoked at any time, any special exception shall immediately become void.

Article F.
Retail and Consumer Service Uses.

§ 27-1733 Use 31, Retail shop.
[Ord. 689, 9/10/2009]

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

§ 27-1734 Use 32, Holiday or seasonal sales.
[Ord. 737, 1/19/2017]

Holiday or seasonal sales: selling seasonal goods such as Christmas trees, pumpkins, squash and straw, flowers and plants, and like goods, subject to the following restrictions:

- A. A permit shall be required, to be issued by the Department of Licenses and Inspections and limited to no more than 30 days, with permissible renewals not to exceed a total of 90 days for the use.
- B. No permanent structure or building is permitted.
- C. Seasonal retail business is limited to no more than 5% of the total area of site.
- D. No more than three temporary signs, with a total area not exceeding 32 square feet, are permitted, and signage shall be professionally lettered.
- E. Temporary Fencing Regulations for Holiday and Seasonal Sales only
 - 1. No fence shall be erected in Warminster Township without the issuance of a permit from the Warminster Department of Licenses and Inspections and the payment of any applicable fee as set

forth in the Township's fee schedule.

2. Prior to the issuance of a permit, a plan depicting the proposed fence, as well as the height, location on the property and materials of the proposed fence, shall be submitted with the applicable permit application to the Warminster Department of Licenses and Inspections.
3. No fence exceeding a height of six feet shall be erected.
4. No fence shall be closer than fifteen feet from the cartway or curb line.

F. Temporary Structure

1. No temporary structures shall be closer than fifteen feet from the cartway or curb line.

§ 27-1735 Use 33. Consumer Firework Sales-Permanent Facility

1. The following definitions shall apply to this Section:

- A. Consumer Fireworks: Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion or which is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for “consumer fireworks” as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout this Commonwealth.
 1. The term does not include devices as “ground and hand-held sparkling devices,” “novelties” or “toy caps” in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.
- B. Display Fireworks: Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes, but is not limited to:
 1. Salutes that contain more than two grains or 130 milligrams of explosive materials;
 2. Aerial shells containing more than 60 grams of pyrotechnic compositions; and
 3. Other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).
- C. Fireworks: Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4 G fireworks or 1.3 G fireworks as defined in APA Standard 87-1.
- D. Novelties: Articles of trade having amusement value and whose appeal is often transitory, and which is limited to those items for sale described in American Pyrotechnics Association (APA) Standard 87-4, Section 3.2.

- E. Occupied Structure: A structure, vehicle, or place adapted for overnight accommodations of persons or for conducting business whether or not a person is actually present.
- F. Outdoor Storage Unit: A Consumer Fireworks building, trailer, semitrailer, metal shipping container or magazine meeting the specifications of NFPA 1124.

2. Sale of Consumer Fireworks-

A. Permanent Facility

1. The sale of Consumer Fireworks from a permanent facility shall be permitted by Special Exception in the Industrial and Industrial Office districts subject to compliance with all of the following specific regulations as well as general provisions regarding special exceptions as outlined in Section 2605:

- a. The facility must be licensed by the Department of Agriculture and exclusively be dedicated to the sale and storage of consumer fireworks and related items.
- b. There shall be security personnel on the premises for the seven days preceding and including July 4 and for the three days preceding and including January 2.
- c. No smoking shall be permitted in the facility.
- d. No cigarettes or tobacco products, matches, lighters or any other flame-producing devices shall be permitted to be taken into the facility.
- e. No minors shall be permitted in the facility unless accompanied by an adult, and each minor shall stay with the adult in the facility.
- f. All facilities shall carry at least \$2,000,000 in public and product liability insurance.
- g. A licensee shall provide its employees with documented training in the area of operational safety of a facility. The licensee shall provide to the Department of Agriculture written documentation that each employee has received the training.
- h. No display fireworks shall be stored or located at a facility.
- i. No person who appears to be under the influence of intoxicating liquor or drugs shall be admitted to the facility, and no liquor, beer or wine shall be permitted in the facility.
- j. Emergency evacuation plans shall be conspicuously posted in appropriate locations within the facility.
- k. The facility shall be located no closer than 250 feet from any property where gas, propane, or other flammables are sold or dispensed.
- l. The facility shall be located at least 1,500 feet from another licensed facility.
- m. The facility shall be a stand-alone, permanent structure.
- n. Storage areas shall be separated from wholesale or retail sales areas to which a purchaser maybe admitted by appropriately rated fire separation.
- o. Storage of Consumer Fireworks shall be permitted only as an accessory use to the sale of

Consumer Fireworks on the premises.

p. Hours of operation shall be limited to 9:00 am to 10:00 pm.

q. The facility shall have a monitored burglar and fire alarm system.

r. Quarterly fire drills and preplanning meetings shall be conducted as required by the primary fire department.

§ 27-1736 Use 34. Consumer Firework Sales-Temporary Facility

1. The following definitions shall apply to this Section:

A. Consumer Fireworks: Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion or which is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for “consumer fireworks” as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout this Commonwealth.

1. The term does not include devices as “ground and hand-held sparking devices,” “novelties” or “toy caps” in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.

B. Display Fireworks: Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes, but is not limited to:

1. Salutes that contain more than two grains or 130 milligrams of explosive materials;

2. Aerial shells containing more than 60 grams of pyrotechnic compositions; and.

3. Other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

C. Fireworks: Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4 G fireworks or 1.3 G fireworks as defined in APA Standard 87-1.

D. Novelties: Articles of trade having amusement value and whose appeal is often transitory, and which is limited to those items for sale described in American Pyrotechnics Association (APA) Standard 87-4, Section 3.2.

E. Occupied Structure: A structure, vehicle, or place adapted for overnight accommodations of persons or for conducting business whether or not a person is actually present.

F. Outdoor Storage Unit: A Consumer Fireworks building, trailer, semitrailer, metal shipping container or magazine meeting the specifications of NFPA 1124.

2. Sale of Consumer Fireworks

A. Temporary Structure

1. The sales period is limited to June 15 through July 8 and December 21 through January 2 of each year.
 - a. Only helicopter, aerial spinners, roman candles and mine and shell devices under 500 grams may be sold from the temporary structure.
2. The temporary structure shall be located no closer than 250 feet from a facility storing, selling, or dispensing gasoline, propane, or other flammable products.
3. An evacuation plan is posted in a conspicuous location for a temporary structure in accordance with NFPA 1124.
4. The outdoor storage unit, if any, is separated from the wholesale or retail sales area to which a purchaser may be admitted by appropriately rated fire separation.
5. The temporary structure complies with NFPA 1124 as it relates to retail sales of consumer fireworks in temporary structures.
6. The temporary structure shall be located the following distance from a permanent facility licensed to sell consumer fireworks
 - a. Until January 1, 2023-Five miles from the nearest permanent structure.
 - b. Beginning January 1, 2023-Two miles from the nearest permanent structure.
7. The temporary structure shall not exceed 2,500 square feet.
8. The temporary structure shall be secured at all time during which consumer fireworks are displayed within the structure.
9. The temporary structure shall have a minimum of \$2,000,000 in public and product liability insurance.
10. Consumer fireworks not on display for retail sales are stored in an outdoor storage unit.

**§ 27-1737 Use 35, Service business.
[Ord. 689, 9/10/2009]**

Service business: establishments providing services such as hair care, laundry/dry cleaning, shoe repair, a travel agency, or a photographer.

**§ 27-1738 Use 36, Bank, savings-and-loan association.
[Ord. 689, 9/10/2009]**

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

- A. The drive-through facility shall be designed so there will be no pedestrian/vehicular conflicts.
- B. A bypass/escape lane shall be provided, which shall be separated from the drive-through lanes and parking lanes or parking spaces.

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

§ 27-1739 Use 37, Restaurant.

[Ord. 689, 9/10/2009; as amended by Ord. 737, 1/19/2017]

Restaurant: an eating place for the sale and consumption of food and beverages, with or without a drive-in, drive-through, or outside carry-out food counter. Outdoor seating areas are permitted in conjunction with establishments that also include restaurant services.

§ 27-1740 Use 38, Tavern.

[Added by Ord. 733, 9/15/2016]

1. Special exception criteria.

- A. Taverns shall cease operations between the hours of 2:00 a.m. and 11:00 a.m.
- B. There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.
- C. All operations shall be conducted within a completely enclosed building, and doors and windows shall remain closed during hours when entertainment is presented. Outdoor seating areas are permitted in conjunction with establishments that also include restaurant services.
- D. The owner/operator of the nightclub shall provide private security, licensed under the laws of the Commonwealth of Pennsylvania, if the maximum permitted occupancy of the tavern exceeds 100 persons.
- E. Any tavern that proposes to operate after 11:00 p.m. shall be located at least 200 feet from any property line which adjoins an R-1, R-2, R-3, R-4, CCRC, CCRC-2, or AQC Zoning District.

§ 27-1741 Use 39 Hookah bar/lounge.

[Added by Ord. 733, 9/15/2016]

1. Special exception criteria.

- A. Hookah bars/lounges shall cease operations between the hours of 2:00 a.m. and 10:00 a.m.; provided, however, that operations of any hookah bar/lounge located within 300 feet of an R-1, R-2, R-3, R-4, CCRC, CCRC-2, or AQC Zoning District must cease operations between 11:00 p.m. and 10:00 a.m.
- B. There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.
- C. No alcoholic beverages shall be served or consumed on the premises.
- D. Where located on a parcel within 300 feet of an R-1, R-2, R-3, R-4, CCRC, CCRC-2, or AQC Zoning District, hookah bars/lounges must include a planted buffer, fence or other sound barrier adequate to screen adjacent properties from any activity on the premises.

§ 27-1742 Use 40, Repair shop.

[Ord. 689, 9/10/2009]

Repair shop: an establishment for repair of household goods, such as appliances or household equipment,

or a furniture maker, repairperson, or upholster. This use shall not include the repair of any motor vehicles, trucks, trailers, or heavy equipment.

**§ 27-1743 Use 41, Mortuary or funeral home.
[Ord. 689, 9/10/2009]**

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

**§ 27-1744 Use 42, Hotel.
[Ord. 689, 9/10/2009]**

Hotel: a building or group of buildings for the accommodation of transient guests, containing six or more sleeping units for rent.

- A. Access shall be taken from an interior roadway if the hotel is part of a larger complex or from an arterial road if not part of a larger complex.
- B. A hotel may incorporate conference facilities, restaurants, swimming pools, and other uses normally incidental to hotels.

**§ 27-1745 Use 43, Indoor commercial entertainment.
[Ord. 689, 9/10/2009]**

Indoor commercial entertainment: an establishment providing completely enclosed recreation activities, including theater, games, courts, video arcades, billiards, bowling, play equipment, batting cages, or similar facilities. No audio speakers or equipment shall be installed inside or outside the location of such use which cause music, voices or other sounds to emanate to the exterior of the premises.

§ 27-1746 Use 44. Fitness Center

An indoor fitness center shall include a building or buildings used for any one or a combination of the following activities: fitness equipment, group fitness classes, indoor court games played with a ball such as racquetball, handball, squash, tennis, basketball and volleyball; swimming pool; indoor running track; facilities related thereto

§ 27-1747 Use 45. Day Spa

A business, employing professionally-licensed therapists, which provides a variety of services for the purpose of improving health, beauty and relaxation through personal care treatments including, but not limited to, therapeutic massages and body or facial treatments.

**§ 27-1748 Use 3546, Outdoor private recreation.
[Ord. 689, 9/10/2009]**

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

- A. Minimum lot area: five acres.

- B. No outdoor active recreation area for any recreational use shall be located nearer to any lot line than 100 feet.
- C. Outdoor play areas shall be screened with a planted buffer meeting requirements of this chapter.
- D. Specific requirements for miniature golf courses, chip and putt courses, batting cages, or skate parks.
 - (1) The use shall have its lot frontage on and take access from an arterial highway, as defined in the Township ordinances.
 - (2) Minimum lot frontage: 200 feet.
 - (3) Hours of operation shall be limited to daylight hours.

**§ 27-1749 Use 47, Adult business.
[Ord. 689, 9/10/2009]**

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

ADULT ARCADE

Any place to which the public is permitted or invited wherein coin-operated or club-operated or electronically, electrically or mechanically controlled still or motion-picture or video machines, projectors or other image-producing devices are maintained to show images to five 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 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 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 there 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 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 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 female breast with the nipple and areola covered.

ADULT ENTERTAINMENT ROOM

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

ADULT HOTEL/MOTEL

A hotel or motel or similar business establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, computer-generated images, motion pictures, video cassettes, slides or other photographic reproductions, 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-hour period or rents, leases or lets any single room more than twice in a twenty-four-hour period.

[Amended by Ord. 737, 1/19/2017]

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 1/3 of the days in a calendar year during which motion-picture films, video cassettes, cable television or any other such visual media are displayed or exhibited, of films, video cassettes, cable television or other visual media which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as hereinafter defined, for observation by patrons or customers. "Adult motion-picture theater" does not include any room or suite of rooms rented for human occupancy in a hotel or motel which is equipped or furnished with a video-cassette-playing machine or cable television, unless such hotel or motel is determined to be 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 30% of its actual display area devoted to, or stock-in-trade for sale or rental to the public or any segment thereof consist of, books, magazines, other publications, films, video cassettes or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined hereinafter.

APPLICANT

A person who is required to file an application for a 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.

DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS UPON

The dominant or essential theme of the object described by such phrase.

EMPLOYEE

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

ENTERTAINER

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

OPERATE AN ADULT BUSINESS

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

PERMITTEE

The person to whom an adult business permit is issued.

PERSON

Any individual, firm, association, partnership, 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, 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 or more occasions within a thirty-day period, three or more occasions within a sixty-day period, or four or more occasions within a one-hundred-eighty-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 forms of garments or devices.

SPECIFIED ANATOMICAL AREAS

Any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola;
- (2) Human male genitals in a discernibly turgid state, even if completely opaquely covered;
- (3) Any device, costume or covering that simulates any of the body parts included in Subsections (1) and (2) above.

SPECIFIED SEXUAL ACTIVITIES

Any of the following, whether performed directly or indirectly through clothing or other coverings:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Sexual acts, actual or simulated, including sexual intercourse, oral copulation or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;
- (4) Masturbation, actual or simulated;
- (5) Excretory functions as part of or in connection with any of the other activities described in Subsections (1) through (4) above.

ZONING OFFICER

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

- B. The foregoing definitions are generic. The uses and businesses governed by this section include any other use or business, regardless of how named or advertised, that is of a character like or similar to the uses and businesses set forth in this section.
3. Excluded activities. This section does not apply to any of the following activities:
 - A. 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.
 - B. 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.
 4. Adult business permit required.
 - A. It shall be unlawful for any person to engage in, conduct or carry a permit to be engaged in, conducted or carried on, in or upon any premises within the Township, the operation of an adult business unless the person first obtains and continues to maintain in full force and effect a permit issued by the Zoning Officer as required by this section.
 - B. A permit shall be issued to any applicant who has complied with all of the following requirements:
 - (1) The applicant has paid the adult business application fee required pursuant to Subsection 4C below.
 - (2) The applicant has not made a material misstatement in the application for a permit.
 - (3) The establishment, including the building and lot or portion thereof where the adult business is or is proposed to be situated and the physical facilities and maintenance related thereto, complies with all building, fire, electrical, plumbing, health and zoning requirements of the Code of the Township of Warminster, all the requirements of this chapter, and all state and federal requirements of a similar nature which are customarily

enforced by the Township, as determined pursuant to one or more inspections conducted by investigating officials of the Township.

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

5. Application for adult business permit.

- A. Any person who proposes to operate, maintain or conduct an adult business in the Township shall first submit to the Zoning Officer a complete application for an adult business permit, on a form provided by the Township, containing the information set forth in this section and payment of the required Township nonrefundable application fee, as established by resolution and amended by the Township Board of Supervisors from time to time. An application that is not accompanied by the required application fee shall not be deemed a complete application.
- B. If the applicant is an individual, the individual shall state his or her complete name, including any aliases, and address and shall submit satisfactory written proof that he or she is at least 18 years of age.
- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. Each application shall contain:
 - (1) 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.
 - (2) 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 inches.
 - (3) 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 foot.

- (4) 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.

H. Each application shall also contain the following information about the person signing the application:

- (1) Full name, including any aliases, current residential address, telephone number, date of birth, social security number and driver's license number.
- (2) The previous address of each such person for a period of three years immediately prior to the date of application and the dates of residence at each such address.
- (3) Written proof that the person signing the application is at least 18 years of age.
- (4) The height, weight, color of eyes and hair of the person signing the application.
- (5) Business, occupation or employment history of the person signing the application, for three years immediately preceding the date of the application.
- (6) Two recent passport-style color photographs of such person.
- (7) Such other information as may be deemed necessary by the Zoning Officer to secure the foregoing information.

I. An adult business establishment lawfully existing and operating on the effective date of this section shall apply for a permit within 90 days therefrom and shall be allowed to continue operating during the pendency of the application; provided, however, that such adult business is otherwise in compliance with applicable provisions of this chapter and the Code of the Township of Warminster.

J. Upon application of any adult business establishment not lawfully existing and operating on the effective date of this section, a temporary permit, not to exceed 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 Zoning Officer.

6. Application processing.

- A. Upon receipt of a complete application and payment of the application and permit fees, the application shall be immediately stamped as received by the Zoning Officer.
- B. Within 30 days of receipt of a complete application, the Zoning Officer or his designated official shall conduct and complete an investigation of the information contained in the application to determine whether the applicant shall be issued an adult business permit in accordance with the provisions of this section and notify the applicant as follows:

- (1) The Zoning Officer shall write or stamp "granted" or "denied" on the application and sign

and date such notation.

- (2) If the application is denied, the Zoning Officer shall provide a written statement of the reasons for denial.
- (3) If the application is granted, the Zoning Officer shall issue an adult business permit.
- (4) 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.

- C. The Zoning Officer shall grant the application and issue a business permit upon finding that the proposed business meets the locational and zoning requirements of the Township and that the applicant has met all of the development and performance standards and requirements of this section.
- D. Upon notification to the applicant that the application has been granted by the Zoning Officer, or if the Zoning Officer fails to either grant or deny the application within 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.
- E. Each adult business permit shall expire one year from the date of issuance and may be renewed only by filing with the Zoning Officer a written request for renewal, accompanied by the annual permit fee and a copy of the permit to be renewed. The request for renewal shall be made at least 30 days before the expiration of the permit. When made less than 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.

7. Denial of permit.

- A. Within 30 days of receipt of a complete application, the Zoning Officer shall deny an application for a permit if he or she makes any of the following findings:
 - (1) 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 this chapter.
 - (2) The establishment, including the building or portion thereof where the adult business is or is proposed to be situated and the physical facilities and maintenance related thereto, fails to comply with all applicable building, fire, electrical, plumbing and health requirements of the Code of the Township of Warminster, all applicable state and federal requirements of a similar nature which are customarily enforced by the Township and all applicable provisions of this section.
 - (3) 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.
 - (4) 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:
 - (a) If the applicant is a corporation, any officer or director of the corporation or any stockholder holding more than 5% of the corporate stock of the applicant.

- (b) If the applicant is a partnership, any general or limited partner.
 - (c) Any person currently employed by or in the adult business establishment.
 - B. 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.
8. Appeal of denial.
- A. Appeal to the Board of Supervisors. Within 10 days from the deposit of the denial in the mail as set forth in this section, or from receipt of the denial by the applicant by personal delivery, the applicant may appeal, in writing, to the Board of Supervisors, setting forth with particularity the ground or grounds for such appeal.
 - B. Hearing on appeal. A panel of the Board of Supervisors, consisting of at least three members thereof, shall set a time and place for a hearing on the appeal, not less than 10 days nor more than 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.
 - C. Disposition of appeal. Following the hearing on the appeal, the Board of Supervisors may refer the matter to the Zoning Officer to conduct a new investigation and to issue a new decision, may affirm the denial of the application, or may approve the application. The decision of the Board of Supervisors shall be final. Notice of the decision of the Board of Supervisors shall be mailed to the applicant within 10 days of the date of the hearing.
9. 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 year has elapsed from the date 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).
10. Grounds for suspension or revocation of permit.
- A. 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 or omissions of the permittee or employee, agent, partner, director, stockholder or manager of an adult business:
 - (1) 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.
 - (2) The adult business, including the building and lot or portion thereof on which the establishment is situated or is proposed to be situated and the physical facilities and maintenance related thereto, fails to comply with all applicable building, fire, electrical, plumbing, health and zoning requirements set forth in this chapter or in the Code of the Township of Warminster, all applicable state and federal requirements of a similar nature which are customarily enforced by the Township and all provisions of this section.
 - (3) 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:

- (a) Any act of unlawful sexual intercourse, sodomy, oral copulation or masturbation.
 - (b) The use of the establishment as a place where unlawful solicitation of sexual intercourse, sodomy, oral copulation or masturbation openly occurs.
 - (c) The occurrence of acts of lewdness, assignation or prostitution.
 - (d) Any act constituting a violation of 18 Pa.C.S.A. § 5903, relating to the distribution of obscene and other sexual materials and performances.
 - (e) Any act constituting a violation of provisions relating to obscene matter or distribution of harmful matter to minors.
 - (f) Any conduct constituting a criminal offense of which an essential element consists of the use of force or violence.
 - (g) Any act constituting a felony involving the sale, use, possession, or possession for sale of any controlled substance.
- (4) Failure to abide by any disciplinary action previously imposed by the appropriate Township officer.
 - (5) Failure to comply with one or more of the facilities and operations requirements set forth in Subsection **14** hereof.
 - (6) The existence of the condition of the premises as hazardous or unsafe for human occupancy.
11. Notice of permit violations. Upon making a determination that grounds for suspension or revocation of a permit exist(s), the Zoning Officer shall furnish written notice of the proposed suspension or revocation to the permittee, setting forth the time and place for a hearing on the proposed suspension or revocation and the ground or grounds upon which the proposed suspension or revocation is based, the pertinent section of this chapter, and a brief statement of the factual matters in support thereof. The notice shall be mailed by United States first-class mail, postage prepaid, addressed to the last known address of the permittee, and/or shall be delivered to the permittee personally. Such notice shall be mailed and/or delivered at least 10 days prior to the hearing date set forth in the notice.
12. No refund of fee. No refund or rebate of a permit fee shall be permitted by reason of discontinuance by the permittee of an activity for which a permit is required pursuant to this section or by reason of suspension or revocation of a permit.
13. Return of permit. In the event that a permit is canceled, suspended, revoked or invalidated for any reason, the permit shall be forwarded to the Zoning Officer not later than the end of the third business day after notification of such cancellation, suspension, revocation or invalidation.
14. Facilities and operation requirements. All adult business establishments subject to the provisions of this section shall comply with the following facilities and operations requirements:
- A. Each adult business establishment shall comply with all building, fire, electrical, plumbing and health requirements of the Code of the Township of Warminster, all requirements of this chapter, all state and federal requirements of a similar nature which are customarily enforced by the

Township, and all provisions of this section.

- B. No adult business shall be operated in any manner that permits the observation of any material or activities depicting, describing or relating to specific sexual activities or specified anatomical areas, as herein defined, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.
- C. 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 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.
- D. 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.
- E. With the exception of adult cabarets, each adult business subject to this section shall close and remain closed from 12:00 midnight to 9:00 a.m. the following day.
- F. The building entrance to an adult business shall be clearly and legibly posted with a notice indicating that persons under 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 18 years shall be permitted within the premises at any time.
- G. 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.
- H. Visibility into booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction whatsoever.
- I. 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.
- J. No viewing room may be occupied by more than one person at any one time.
- K. Customers, patrons or visitors shall not be allowed to stand idly by or in the vicinity of any such video booths or remain in the common areas 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.
- L. 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.

- M. 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 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.
- N. 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.
- O. The following additional requirements shall pertain to adult businesses providing live entertainment depicting specified anatomical areas or involving specified sexual activities:
- (1) No person shall perform live entertainment for patrons of an adult business except upon a stage at least 18 inches above the level of the floor which is separated by a distance of at least 10 feet from the nearest area occupied by patrons, and no patron shall be permitted within 10 feet of the stage while the stage is occupied by an entertainer.
 - (2) 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.
 - (3) The adult business shall provide an entrance/exit for entertainers separate from the entrance/exit used by patrons.
 - (4) 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-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.
 - (5) 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.
 - (6) Fixed rail(s) at least 30 inches in height shall be maintained establishing the separations between entertainers and patrons required by this subsection.
- P. Adult businesses shall employ security guards in order to maintain public peace and safety, based upon the following standards:

- (1) Adult businesses featuring live entertainment shall provide at least one security guard at all times while the adult business is open. If the occupancy limit of the premises is greater than 35 persons, an additional security guard shall be on duty.
- (2) Security guard(s) for other adult businesses may be required if it is determined by the Zoning Officer that their presence is necessary in order to prevent any of the conduct listed in Subsection 14I hereof from occurring on the premises.
- (3) 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 doorperson, ticket taker, admitting person or sole occupant of the manager's station while acting as a security guard.

Q. The requirements of this section shall be deemed conditions of adult business regulatory permit approvals, and failure to comply with every such requirement shall be grounds for suspension or revocation of the permit issued pursuant to these regulations.

15. Inspection by public officials.

- A. 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 or more inspections to determine whether the establishment complies with all applicable building, fire, electrical, plumbing, health and zoning requirements of the Code of the Township of Warminster, all state and federal requirements of a similar nature which are customarily enforced by the Township, and the provisions of this chapter.
- B. Any and all investigating officials of the Township shall have the right to enter adult business establishments from time to time, during regular business hours, to make reasonable inspections to observe and enforce compliance with the building, fire, plumbing and health regulations of the Code of the Township of Warminster or the provisions of this chapter. A warrant shall be obtained whenever required by law.
- C. A person who operates an adult business or his or her agent or employee is in violation of the provisions of this section if he or she refuses to permit a lawful inspection of the premises at any time it is occupied or open for business.

16. 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.

17. Business location change. Before changing the location of an adult business establishment, the permittee shall make an application to the Zoning Officer pursuant to Subsection 4 hereof.

18. 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 5 hereof, including transfer of more than 10% of the stock of any corporation. **[Amended by Ord. 737, 1/19/2017]**

19. Display of permits. The owner or operator of an adult business establishment shall display the permit in an open and conspicuous place on the premises. Passport-size photographs of the permit

shall be affixed to the permit on display pursuant to this section.

20. Application to existing establishments. Each operator of an establishment subject to the provisions of this section and legally doing business on the effective date of this chapter shall apply for a permit not later than 90 days therefrom and shall comply with all requirements which are prerequisites for issuance of a permit before such permit will issue.
21. Regulations nonexclusive. The provisions of this section regulating adult businesses are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses adopted by the Township.

**§ 27-1750 Use 48, Veterinary office.
[Ord. 689, 9/10/2009]**

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

**§ 27-1751 Use 49, Motor vehicle fueling station.
[Ord. 689, 9/10/2009]**

Motor vehicle fueling station: a facility for the sale of fuels for motor vehicles, minor automobile accessories, and sale of food and beverage items, subject to the limitations of this chapter. Routine automobile service and inspections may be performed and may include lubricating, repairing or otherwise servicing motor vehicles, but shall not include painting, body and fender repairs or vehicular sales. This use is distinguished from and does not include a motor vehicle repair garage where automobile parts and accessories are sold and installed within the facility but where there is no fuel sale. Any facility which provides for gasoline or fuel sales directly to retail customers shall be considered to be a motor vehicle fueling station and shall meet the requirements of this use and shall only be permitted in the zoning districts where this use is permitted.

A. Dimensional requirements:

- (1) Minimum lot area:
 - (a) C-1 District: two acres.
 - (b) C-2 District: two acres.
- (2) Minimum lot width along all streets: 250 feet.
- (3) Minimum distance between all buildings and structures and any residential district or use: 100 feet.

B. This use shall be permitted only where there is frontage on an arterial road.

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

D. Fuel pumps and canopies shall be at least 25 feet from any ultimate street right-of-way.

E. All automobile parts and similar articles shall be stored within a building.

F. All refuse shall be stored within a building or enclosed area.

- G. Paint spraying or body and fender work shall not be permitted.
- H. Lubrication, oil changes, tire changes, and minor repairs are permitted if entirely within a building.
- I. Vehicles shall not be stored outdoors while awaiting repairs for more than five days.
- J. Junk vehicles or unlicensed vehicles may not be stored in the open at any time.
- K. A fueling station may contain only two of the following four types of activities: fuel pumps; convenience commercial, which is sale of convenience, food, and beverage items; service bays; and car washes. The fuel station building for any and all of these uses shall not exceed 5,000 square feet.
- L. No drive-through windows are permitted for sale of convenience items.
- M. The applicant shall present a plan to demonstrate the methods by which any spills of liquids will be contained and shall also demonstrate that the stormwater management system is designed to capture volatile organic compounds, oils, and solids. The applicant shall also provide to the Township a copy of a maintenance agreement setting forth the terms for the management of the facilities.

§ 27-1752 Use 50, Car wash.
[Ord. 689, 9/10/2009]

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

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

§ 27-1753 Use51, Motor vehicle sales.
[Ord. 689, 9/10/2009]

Motor vehicle sales: sale of motor vehicles by a new or used motor vehicle dealership.

- A. All preparation, lubrication, repair or similar activities shall be accessory to the principal use and shall be conducted within a building.
- B. All automobile parts and similar articles shall be stored within a building.
- C. Storage or display of vehicles for sale shall be placed no closer to the future street right-of-way line than 25 feet.
- D. There shall be no more than one access point into the facility from each street on which the facility has frontage, unless more than one is specifically permitted by the Board of Supervisors.
- E. An auto body shop may be included as an accessory use, incidental and subordinate to the

automotive sales, provided that it meets the regulations of a motor vehicle repair garage use, and provided that it is located at the rear or side of the building containing the principal use.

- F. Parking areas for auto sales customers and for auto service must be clearly delineated so as to separate them from auto display and storage areas.

§ 27-1754 Use 52, Motor vehicle repair garage.
[Ord. 689, 9/10/2009]

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

- A. All repair, installation of parts, and paint work shall be performed within an enclosed building.
- B. All automobile parts, refuse, and similar articles shall be stored within a building or enclosed area screened from view from the street or surrounding properties.
- C. No vehicle shall be stored in the open awaiting repairs for a period exceeding 14 consecutive days.
 - (1) Any vehicle stored on site exceeding 14 days must be kept in a secured area by a solid fence or compact hedge at least six (6) feet tall.
 - (a). The vehicle must have a valid license plate and registration.
 - (b). No vehicle may be stored for more than thirty (30) days.
- D. Dimensional requirements:
 - (1) Minimum lot area: one acre.
 - (2) Minimum lot width along all streets: 200 feet.
 - (3) Minimum distance between all buildings and structures and any residential district or use: 100 feet.
- E. No sale of fuel to retail customers is permitted. There shall be no fuel pumps.
- F. Junk vehicles or unlicensed vehicles may not be stored in the open at any time.
- G. This use is permitted only on lots with frontage on an arterial road.
- H. No sale or rental of vehicles shall be permitted.

§ 27-1755 Use 53, Trade or professional school.
[Ord. 689, 9/10/2009]

Trade or professional school: a commercial school providing instruction in a trade, electronics, repairs, or the arts.

§ 27-1756 Use 54, Kennel.
[Ord. 689, 9/10/2009]

Kennel: a facility where animals are kept or boarded for a fee. The kennel may include accessory

training, grooming, or breeding services.

- A. Minimum lot area: two acres.
- B. No animal housing area shall be closer to any lot line than 50 feet.
- C. All animals shall be kept in buildings or in outdoor areas enclosed by fences designed and constructed to prohibit animals from escaping.
- D. All kennels shall be licensed under the Dog Law, Act of 1982, P.L. 784, No. 255.

**§ 27-1757 Use 55, Large retail store.
[Ord. 689, 9/10/2009]**

A retail store containing an aggregate floor area of 60,000 square feet or more shall meet the following requirements:

- A. This use shall be located on an arterial road.
- B. Building design. Buildings shall be designed to reflect and enhance the visual, historic and cultural character of Warminster Township. Exterior building materials shall be brick, wood, stone, tile, or other traditional materials. No concrete block or tilt-up concrete walls shall be permitted. There shall be no uninterrupted lengths of blank wall longer than 100 feet. Walls shall be differentiated with recesses, windows, 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.
- C. The use shall be designed to accommodate safely pedestrian and vehicular traffic. Pedestrian circulation shall be provided throughout the site, and pedestrian connections shall be provided to adjacent sidewalks.
- D. The plan shall provide for shopping cart corrals if shopping carts are to be used. Cart corrals shall be provided in addition to the required parking spaces.
- E. The applicant must submit, as a part of the preliminary land development or subdivision plan, a market analysis indicating the market for the proposed facility and the area from which patrons will be attracted.
- F. The use shall include a public amenity, such as an outdoor plaza, patio seating area, water feature, clock tower, or other amenity that will enhance the character of the area. The scale of the public amenities shall be in proportion to the size of the proposed store.
- G. As part of the land development agreement for the establishment of a retail store of 60,000 square feet or greater, provisions shall be made for the removal or adaptive reuse of the structure by the applicant should the facility not be used for a period of 12 consecutive months. Financial security may be required by the Township.
- H. Loading docks shall be shielded from view and shall not be visible from adjacent residential districts or from public streets.
- I. Maximum impervious surface: 60% of lot area.

**§ 27-1758 Use 56, Bed-and-breakfast.
[Ord. 689, 9/10/2009]**

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

- A. No more than seven guest rooms may be provided.
- B. Required off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway by a five-foot fence or plant material.
- C. There shall be no use of show windows or display or advertising visible outside the premises to attract guests other than a single, nonilluminated sign which may not exceed eight square feet.
- D. No external alterations, additions, or changes to the exterior structure shall be permitted except as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other governmental agency.
- E. The use shall be carried on primarily by members of the immediate family who reside on the premises.
- F. There shall be no separate kitchen or cooking facilities in any guest room. Food served on the premises shall be limited to breakfast and afternoon tea only and shall be served only to guests of the establishment.
- G. The maximum, uninterrupted length of stay at a guesthouse shall be 14 days.
- H. This use is permitted in the Hartsville and Johnsville Historic Overlay Districts only.
- I. Weddings, receptions, and special events. A bed-and-breakfast may be used for weddings, receptions, meetings, and other special events which attract people who are not guests at the bed-and-breakfast only where the following additional requirements are met:
 - (1) The bed-and-breakfast must have frontage on and access to an arterial road.
 - (2) Weddings, receptions, and special events may be held no more than eight times per year, and each event shall last no more than one day.
 - (3) A conditional use permit is required.
 - (4) There shall be no outdoor amplified music.
 - (5) Provision shall be made for adequate and safe parking, which shall be reviewed as part of the conditional use application.

§ 27-1759 Use 457, Banquet/catering facility.
[Ord. 689, 9/10/2009]

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

consumed on site. This use shall not be considered a restaurant.

**§ 27-1760 Use 58, Shopping center.
[Ord. 689, 9/10/2009]**

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

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

**§ 27-1761 Use 59, Tattoo and Body Piercing Services
[Ord. 689, 9/10/2009; as amended by Ord. 737, 1/19/2017]**

Tattoo and Body Piercing Services: a retail facility offering, body piercing, branding or tattooing of persons, and similar uses. All personnel performing body piercings, branding or tattooing of persons, or other similar services shall be licensed by the Commonwealth of Pennsylvania or be certified in CPR and bloodborne pathogens. The following requirements shall be met:

- A. The service must be performed in sanitary conditions and in compliance with all federal, state, and local regulations, rules and laws regulating such practices.
- B. The place of service shall be a minimum of 1,000 feet from the nearest public or private school.
- C. The limited personal service provider shall display notices as required by Pennsylvania law regarding the necessity of parental consent before any procedure is performed on a minor.
- D. Facilities shall take access to the site from Street Road and SR 263 only.

**§ 27-1762 Use 60, Equipment rental or motor vehicle leasing.
[Ord. 689, 9/10/2009]**

The following requirements shall be met:

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

**§ 27-1763 Use 61, Medical marijuana dispensary.
[Added by Ord. 733, 9/15/2016]**

- 1. Special exception criteria.
 - A. A medical marijuana dispensary shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be denied or revoked at any time, any special exception shall immediately become void.
 - B. A medical marijuana dispensary shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.

- D. A medical marijuana dispensary shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school, day-care center, place of worship, public park, or community center. Nor shall a medical marijuana dispensary be located closer than 2,500 feet from another medical marijuana dispensary or from a medical marijuana grower/processor.
- E. A medical marijuana dispensary must operate entirely within an indoor, enclosed, and secure facility. No exterior sales, and no sidewalk displays, shall be permitted. No drive-through, dropoff, or pickup services shall be permitted.
- F. A medical marijuana dispensary may not operate on the same site as a medical marijuana grower/processor.
- G. A medical marijuana facility shall be limited to hours of operation not earlier than 9:00 a.m. and not later than 9:00 p.m.
- H. A medical marijuana dispensary shall submit a disposal plan to, and obtain approval from the Township Police Chief. Medical marijuana remnants and by-products shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.
- I. There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the medical marijuana dispensary is operating.
- J. No one under the age of 18 shall be permitted in a medical marijuana dispensary, unless accompanied by a caregiver as required under Section 506 of the Medical Marijuana Act.
- K. No use of medical marijuana shall be permitted on the premises of a medical marijuana dispensary.
- L. The minimum size of a medical marijuana dispensary facility shall be 2,000 gross square feet in total floor area.
- M. A medical marijuana dispensary shall submit a security plan to, and obtain approval from, the Township Engineer, the Township Planner, and the Township Police Chief. The medical marijuana grower/processor shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of twenty-four-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.
- N. A medical marijuana dispensary shall provide proof of a contract with a private security company, and shall be staffed with/monitored by security personnel 24 hours a day and seven days a week.
- O. A medical marijuana dispensary shall submit a site plan for approval by the Township Engineer and a floor plan for approval by the Township Building Code Official. The floor plan shall identify internal security measures. All medical marijuana product, by-product, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

Article G.

Utilities, Communications and Transportation Uses.

§ 27-1764 Use 62, Emergency services.
[Ord. 689, 9/10/2009]

Emergency services: fire, ambulance, or other emergency services of a municipal or volunteer nature. A community room is permitted as an accessory use.

A. Minimum lot area: 1/2 acre.

§ 27-1765 Use 63, Municipal uses.

[Ord. 689, 9/10/2009]

Municipal uses: for Warminster Township, includes the Township Building, police station, Licenses and Inspections office, park and recreation facilities, any buildings owned or operated by the Municipal Authority, or county buildings.

§ 27-1766 Use 64, Railway/transportation station.

[Ord. 689, 9/10/2009]

Railway/transportation station: a terminal limited to a railroad station or bus station providing passenger transportation services to the general public.

§ 27-1767 Use 65, Public or private parking garage.

[Ord. 689, 9/10/2009]

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

- A. Such area will be for the parking of cars of employees, customers, or guests of establishments in the zoning district where the parking garage is proposed.
- B. No sales or service operations shall be conducted within the garage.
- C. Parking space size, aisle widths, ramp configuration, and other design standards as required by Chapter 22, Subdivision and Land Development, shall be met.
- D. Maximum height: 35 feet, unless otherwise provided by conditional use in exchange for reducing overall site impervious surface by at least 20%.
- E. The parking garage shall make provisions for the bicycle racks and motor scooters, which shall be included in areas protected from precipitation.
- F. A parking garage shall include stations for recharging electric vehicles at 5% of the parking spaces.
- G. A parking garage shall meet the setback requirements for the district in which it is located.

§ 27-1768 Use 66, Wireless communications facility.

[Ord. 689, 9/10/2009; amended by Ord. 718, 3/20/2014]

1. General requirements for all tower-based wireless communications facilities. The following regulations shall apply to all tower-based wireless communications facilities:
 - A. Standard of care. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of

Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township. The owner of the tower-based WCF shall perform a minimum of one on-site inspection of the tower-based WCF each year. The on-site inspection shall include a climb of the tower-based WCF. A written report, prepared by a professional engineer, detailing the results of the on-site inspection, including the climbing inspection, shall be submitted to the Township within 30 days of the inspection. In the event the inspection reveals any issues with the structural integrity of the WCF, the owner of the WCF shall, within 60 days, take any and all steps to repair the facility and submit a further report to the Township indicating the nature of the repairs made. The report shall include a certification of structural integrity by a professional engineer. Failure to make the necessary repairs and submit a certification of structural integrity within 60 days of the original inspection shall result in the revocation of the zoning permit and shall require the prompt removal of the tower-based WCF.

- B. Wind. Any tower-based WCF structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (Standard 222, as amended). Such structures must be designed to withstand wind gusts of at least 100 miles per hour.
- C. Height. Any tower-based WCF shall be designed at the minimum functional height. All tower-based WCF applicants must submit documentation to the Township justifying the total height of the structure. The maximum total height of any tower-based WCF shall not exceed 130 feet, which height shall include all subsequent additions or alterations. Tower-based WCFs in the right-of-way shall not exceed 50 feet in height.
- D. Public safety communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- E. Maintenance. The following maintenance requirements shall apply:
 - (1) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - (2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - (3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- F. Radio frequency emissions. No tower-based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- G. Historic buildings or districts. No tower-based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or eligible to be so listed, listed on the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township as being of historic significance.
- H. Signs. All tower-based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency.

- I. Lighting. No tower-based WCF shall be artificially lit, except as required by law. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- J. Noise. Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- K. Aviation safety. Tower-based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- L. Retention of experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this chapter. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- M. Graffiti. Any graffiti or unapproved signs on a tower-based WCF shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti or signs.
- N. Timing of approval. Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Township, the Township shall notify the applicant, in writing, of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF and the Township shall advise the applicant, in writing, of its decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the one-hundred-fifty-day review period.
- O. Nonconforming uses. Nonconforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this chapter.
- P. Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - (1) All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the Township.
 - (2) If the WCF and/or accessory facility is not removed within six months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
 - (3) Any unused portions of tower-based WCFs, including antennas, shall be removed within six months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.

- Q. Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.
 - R. Indemnification. Each person that owns or operates a tower-based WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the tower-based WCF. Each person that owns or operates a tower-based WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of tower-based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
2. Tower-based facilities outside the rights-of-way.
- A. The following regulations shall apply to tower-based wireless communications facilities located outside the rights-of-way:
- (1) Development regulations:
 - (a) Location. No tower-based WCF shall be located in an area in which utilities are undergrounded.
 - 1) The following regulations shall apply to tower-based WCFs greater than 50 feet in height:
 - [a] Such tower-based WCFs shall be permitted by right only within the 240 acre tract of land owned by the Township and located along Bristol and Hatboro Roads.
 - [b] Tower-based WCFs greater than 50 feet in height and not within the physical boundaries established in Subsection 2A(1)(a)1[a] of this section shall be permitted by conditional use only in the following zoning districts:
 - [i] C1- Commercial District.
 - [ii] C2- Commercial District.
 - [iii] IO- Industrial Office District.
 - [iv] I-Heavy Industrial District.
 - [c] No tower-based WCF greater than 50 feet shall be located within 130 feet of the ultimate right-of-way of any public road, street, or highway.
 - 2) The following regulations shall apply to tower-based WCFs 50 feet or shorter in height:
 - [a] Such tower-based WCFs shall only be permitted in the aboveground utility areas of the following zoning districts:

[i] C1-Commercial District.

[ii] C2-Commercial District.

[iii] IO-Industrial Office District.

[iv] I-Heavy Industrial District.

- (b) Conditional use requirements. In circumstances when an applicant must apply for a conditional use permit, applicant shall present testimony and evidence to the Board of Supervisors in support of the following requirements:
- 1) The applicant shall present documentation that the facility is designed in accordance with all the standards cited in this chapter for wireless telecommunications facilities.
 - 2) The applicant shall demonstrate that the antenna/tower/pole for the WCF is the minimum height necessary for the service area.
 - 3) The applicant shall demonstrate that the proposed WCF complies with all state and federal laws and regulations concerning aviation safety.
 - 4) The need for additional buffer yard treatments shall be evaluated.
 - 5) The applicant shall demonstrate that the WCF must be located where it is proposed in order to serve the applicant's service area and that no other viable alternative location exists.
 - 6) Where the WCF is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.
- (c) Gap in coverage. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based WCFs.
- (d) Sole use on a lot. A tower-based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district.
- (e) Combined with another use. A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:
- 1) The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the communications facility.
 - 2) Minimum lot area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.
 - 3) Minimum setbacks. The tower-based WCF and accompanying equipment building

shall comply with the requirements for the applicable zoning district.

- (2) Notice. Upon receipt of an application for a tower-based WCF, the applicant shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 1,000 linear feet of the site of the proposed facility and of every property zoned residential not on the same street within 500 feet of the proposed facility. The applicant shall provide the Township with proof of compliance with this notice requirement.
- (3) Co-location. An application for a new tower-based WCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- (4) Design regulations:
 - (a) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.
 - (b) Any height extensions to an existing tower-based WCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.
 - (c) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.
- (5) Surrounding environs:
 - (a) The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
 - (b) The WCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA Section 222, as amended, to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.
- (6) Fence/screen:
 - (a) A security fence having a height of eight feet shall completely surround any tower-based WCF, guy wires, or any building housing WCF equipment.
 - (b) An evergreen screen that consists of a hedge, planted three feet on center maximum, or a row of evergreen trees planted 10 feet on center maximum shall be located along the perimeter of the security fence.
- (7) Accessory equipment:

- (a) Ground-mounted equipment associated to, or connected with, a tower-based WCF shall be underground or screened from public view using stealth technologies, as described above.
 - (b) All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
- (8) Additional antennas. As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennas without obtaining the prior written approval of the Township.
- (9) Access road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.
- (10) Bond. Prior to the issuance of a permit, the owner of a tower-based WCF outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Township Solicitor, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this chapter. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this chapter, after reasonable notice and opportunity to cure. The owner shall file the bond with the Township.
- (11) Visual or land use impact. The Township reserves the right to deny an application for the construction or placement of any tower-based WCF based upon visual and/or land use impact.
- (12) Inspection. The Township reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this chapter and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

3. Tower-based facilities in the rights-of-way.

A. The following regulations shall apply to tower-based wireless communications facilities located in the rights-of-way:

- (1) Location.
 - (a) No tower-based WCF shall be located in an area in which utilities are undergrounded.
 - (b) Tower-based WCFs shall only be permitted in the aboveground utility areas of the following zoning districts:
 - 1) C1-Commercial District.
 - 2) C2-Commercial District.

- 3) IO-Industrial Office District.
 - 4) I- Industrial District.
- (c) Any application proposing the construction of a tower-based WCF in the public rights-of-way, not within the physical boundaries established in Subsection **3A(1)(b)** of this section, shall be treated as a conditional use application.
 - (d) No tower-based WCF in the public rights-of-way shall be greater than 50 feet in height.
- (2) Conditional use requirements. In circumstances when an applicant must apply for a conditional use permit, applicant shall present testimony and evidence to the Board of Supervisors in support of the following requirements:
 - (a) The applicant shall present documentation that the facility is designed in accordance with all the standards cited in this chapter for wireless telecommunications facilities.
 - (b) The applicant shall demonstrate that the antenna/tower/pole for the WCF is the minimum height necessary for the service area.
 - (c) The applicant shall demonstrate that the proposed WCF complies with all state and federal laws and regulations concerning aviation safety.
 - (d) The need for additional buffer yard treatments shall be evaluated.
 - (e) The applicant shall demonstrate that the WCF must be located where it is proposed in order to serve the applicant's service area and that no other viable alternative location exists.
 - (f) Where the WCF is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.
 - (3) Gap in coverage. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based WCFs in the ROW.
 - (4) Notice. Upon receipt of an application for a tower-based WCF, the applicant shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 1,000 linear feet of the site of the proposed facility and of every property zoned residential not on the same street within 500 feet of the proposed facility.
 - (5) Co-location. An application for a new tower-based WCF in the ROW shall not be approved unless the Township finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

- (6) Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all tower-based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the public utility code.
- (7) Equipment location. Tower-based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - (a) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;
 - (b) Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - (d) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.
 - (e) Any underground vaults related to tower-based WCFs shall be reviewed and approved by the Township.
- (8) Design regulations.
 - (a) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.
 - (b) Any height extensions to an existing tower-based WCF shall require prior approval of the Township, and shall not increase the overall height of the tower-based WCF to more than 130 feet. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.
 - (c) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.
- (9) Visual or land use impact. The Township reserves the right to deny the construction or placement of any tower-based WCF in the ROW based upon visual and/or land use impact.
- (10) Additional antennas. As a condition of approval for all tower-based WCFs in the ROW, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennas without obtaining the prior written approval of the Township.

- (11) Relocation or removal of facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of tower-based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - (a) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 - (b) The operations of the Township or other governmental entity in the right-of-way;
 - (c) Vacation of a street or road or the release of a utility easement; or
 - (d) An emergency as determined by the Township.
- (12) Compensation for ROW use. In addition to permit fees as described in Subsection 1Q above, every tower-based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each tower-based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual ROW management fee for tower-based WCFs shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual ROW management costs as applied to such tower-based WCF.
- (13) Bond. Prior to the issuance of a permit, the owner of a tower-based WCF in the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this chapter. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this chapter, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.

4. General requirements for all non-tower wireless communications facilities.

- A. The following regulations shall apply to all non-tower wireless communications facilities that do not substantially change the physical dimensions of the wireless support structure to which they are attached:
 - (1) Permitted in all zones subject to regulations. Non-tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.
 - (2) Standard of care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and

maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

- (3) Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA, Section 222, as amended).
- (4) Public safety communications. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (5) Aviation safety. Non-tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (6) Radio frequency emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (7) Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - (a) All abandoned or unused WCFs and accessory facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Township.
 - (b) If the WCF or accessory facility is not removed within three months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
- (8) Timing of approval. Within 30 calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant, in writing, of any information that may be required to complete such application. Within 90 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant, in writing, of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety-day review period.
- (9) Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF or \$1,000, whichever is less.
- (10) Indemnification. Each person that owns or operates a non-tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or

contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the non-tower WCF. Each person that owns or operates a non-tower WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a non-tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

- B. The following regulations shall apply to all non-tower wireless communications facilities that substantially change the wireless support structure to which they are attached:
- (1) Permitted in all zones subject to regulations. Non-tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.
 - (2) Standard of care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
 - (3) Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA Section 222, as amended). Such structures shall be able to withstand wind gusts of up to 100 miles per hour.
 - (4) Public safety communications. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
 - (5) Historic buildings. No non-tower-based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or eligible to be so listed, listed, or on the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township as being of historic significance.
 - (6) Aviation safety. Non-tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
 - (7) Maintenance. The following maintenance requirements shall apply:
 - (a) The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

- (8) Radio frequency emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (9) Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - (a) All abandoned or unused WCFs and accessory facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Township.
 - (b) If the WCF or accessory facility is not removed within three months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
- (10) Timing of approval. Within 30 calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant, in writing, of any information that may be required to complete such application. Within 90 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety-day review period.
- (11) Retention of experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this chapter. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- (12) Bond. Prior to the issuance of a permit, the owner of a non-tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of \$25,000 to assure the faithful performance of the terms and conditions of this chapter. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.
- (13) Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF, as well as related inspection, monitoring and related costs.

5. Non-tower wireless facilities outside the rights-of-way.

- A. The following additional regulations shall apply to non-tower wireless communications facilities located outside the rights-of-way that substantially change the wireless support structure to which they are attached:

- (1) Development regulations. Non-tower WCFs shall be co-located on existing structures, such as existing buildings or tower-based WCFs, subject to the following conditions:
 - (a) Such WCF does not exceed a maximum height of 130 feet.
 - (b) If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - (c) An eight-foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
- (2) Design regulations.
 - (a) Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.
 - (b) Non-tower WCFs, which are mounted to a building or similar structure, may not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a conditional use permit.
 - (c) All non-tower WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - (d) Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
 - (e) Noncommercial usage exemption. Township citizens utilizing satellite dishes and antennas for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the design regulations enumerated in Subsection 5A(2) of this section.
- (3) Removal, replacement, modification.
 - (a) The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennas.
 - (b) Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.
- (4) Visual or land use impact. The Township reserves the right to deny an application for the construction or placement of any non-tower WCF based upon visual and/or land use impact.
- (5) Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this chapter and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator,

to ensure such compliance.

6. Non-tower wireless facilities in the rights-of-way.
 - A. The following additional regulations shall apply to all non-tower wireless communications facilities located in the rights-of-way:
 - (1) Co-location. Non-tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.
 - (2) Design requirements:
 - (a) WCF installations located above the surface grade in the public ROW, including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - (b) Antennas and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
 - (3) Compensation for ROW use. In addition to permit fees as described above, every non-tower WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each non-tower WCF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The annual ROW management fee for non-tower WCFs shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual ROW management costs as applied to such non-tower WCF.
 - (4) Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
 - (5) Equipment location. Non-tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - (a) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;
 - (b) Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

- (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - (d) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.
 - (e) Any underground vaults related to non-tower WCFs shall be reviewed and approved by the Township.
- (6) Relocation or removal of facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- (a) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 - (b) The operations of the Township or other governmental entity in the right-of-way;
 - (c) Vacation of a street or road or the release of a utility easement; or
 - (d) An emergency as determined by the Township.
- (7) Visual or land use impact. The Township retains the right to deny an application for the construction or placement of a non-tower WCF based upon visual and/or land use impact.

7. Violations applicable to all wireless facilities.

- A. Penalties. Any person violating any provision of this section shall be subject, upon finding by a Magisterial District Judge, to a penalty not exceeding \$500, for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this section and any other remedy at law or in equity, the Township may apply to a federal district court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this section.
 - B. Determination of violation. In the event a determination is made that a person has violated any provision of this section, such person shall be provided written notice of the determination and the reasons therefore. Except in the case of an emergency, the person shall have 30 days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure, provided the person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this section and/or federal and/or Pennsylvania law and regulations.
8. Police powers. The Township, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the Township under applicable federal, state and local laws and regulations.

**§ 27-1769 Use 67, Utility operating facility.
[Ord. 689, 9/10/2009]**

A utility operating facility shall be subject to the following additional provisions:

- A. Such use shall be limited to a transformer station, pumping station, electrical substation, telephone substation, water or sewer facility and any public or private utility, but shall not include telecommunications uses or facilities.
- B. Such use must be required to serve the Township of Warminster.
- C. Such use shall be required to obtain land use approval pursuant to Chapter 22, Subdivision and Land Development.
- D. Building and zoning permits shall be required for all utilities.
- E. The maximum height of aboveground water storage facilities shall be determined by the Board of Supervisors in accordance with the need to protect the community's safety and appearance.
- F. The following minimum setbacks from all property lines shall be provided:
 - (1) Water tower: not less than the height of the tower, plus 200 feet.
 - (2) Electrical substation: 100 feet.
 - (3) Well facility: 100 feet.
 - (4) Sewer pumping station: 50 feet.
 - (5) Water pumping station: 50 feet.
 - (6) All other uses: 50 feet.
- G. Minimum lot sizes shall be adequate to accommodate the above setbacks, parking requirements and other building requirements.
- H. All parking spaces and access drives shall be at least five feet from any side or rear lot line. Two off-street parking spaces or one space per full-time employee stationed at the facility, whichever provides the greater number of spaces, shall be provided.
- I. A buffer yard shall be provided along all property lines, which shall include adequate means for visual screening and which shall meet the requirements of this chapter.

Article H.
Industrial Uses.

**§ 27-1770 Use 68, Light manufacturing.
[Ord. 689, 9/10/2009]**

Light manufacturing: the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs and products.

§ 27-1771 Use 69, Research and development facility.
[Ord. 689, 9/10/2009]

Research and development facility: a research, testing or experimental laboratory for carrying out investigations in the natural, physical or social sciences, engineering, or biomedical fields.

§ 27-1772 Use 70, Wholesale business and storage.
[Ord. 689, 9/10/2009]

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

§ 27-1773 Use 71, Crematorium.
[Ord. 689, 9/10/2009]

Crematorium: a facility for the cremation of animals or people.

§ 27-1774 Use 72, Printing, publishing, binding.
[Ord. 689, 9/10/2009]

Businesses that exclusively perform large volume printing, publishing, and binding. Businesses who printing, publishing, and binding is only a portion of their operations fall under Use 27-Retail.

§ 27-1775 Use 73, Contractor offices and shops.
[Ord. 689, 9/10/2009]

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

- A. The building size shall not exceed 15,000 square feet.
- B. The building may contain offices for the contractor's use, as well as storage of material and equipment.
- C. No outside storage of material or equipment is permitted.
- D. Vehicles are permitted to be parked outside, provided that there shall be no more than 10 vehicles stored on the premises.

§ 27-1776 Use 74, Warehouse Storage

A building or group of buildings primarily used for the commercial storage, transfer, and distribution of products and materials.

- A. No explosives, toxic, radioactive, corrosive, oxidizing or highly flammable or combustible materials and chemicals shall be stored on the premises.
- B. Tractor trailers, cargo boxes, or other vehicles or structures meant to be transportable shall not be permitted to be used as accessory buildings for storage.

- C. Outside Storage of boats, RVs, commercial vehicles, etc is permitted as long as enclosed by a secured 8 Foot high fence.

§ 27-1777 Use 75, Truck terminal.
[Ord. 689, 9/10/2009]

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

§ 27-1778 Use 76, Quarry.
[Ord. 689, 9/10/2009]

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

- A. When applying for a zoning permit, the applicant shall provide the following plans and information:
- (1) Plan of the general area (within a one-mile radius of the site), at a scale of 1,000 feet or less to the inch, with a twenty-foot or less contour interval to show:
 - (a) Existing data:
 - 1) Location of proposed site.
 - 2) Land use pattern, including building locations and historical sites and buildings.
 - 3) Roads, indicating major roads and showing width, weight loads, types of surfaces and traffic data.
 - (b) Proposed uses or facilities within 100 feet of the site proposed for the use:
 - 1) Subdivisions.
 - 2) Parks, schools, and churches.
 - 3) Highways (new and reconstructed).
 - 4) Other uses potentially affecting or affected by the proposed extractive operation.
 - (2) Plan of the proposed site, at a scale of 100 feet or less to the inch, with a five-foot or less contour interval to show:
 - (a) Basic data:
 - 1) Soils and geology.
 - 2) Groundwater data and watercourses.

- 3) Vegetation with dominant species.
- 4) Wind data directions and percentage of time.

(b) Proposed usage:

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

B. Minimum lot area: 15 acres.

C. Minimum lot width at building setback line: 300 feet.

D. Performance standards.

- (1) Operations. Extractive operations shall meet all other standards of this chapter.
- (2) Setbacks. No excavation, quarry wall, storage or area in which processing is conducted shall be located within 200 feet of any lot line, 200 feet of any street right-of-way, or within 200 feet of any residential or agricultural district boundary line.
- (3) Grading. All excavations, except stone quarries over 25 feet in depth, shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
 - (a) Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of waste products of the manufacturing operation or other clean fill materials, provided that such materials are composed of non-noxious, noncombustible solids.
 - (b) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle of slippage of such materials or 45° in angle, whichever is less. During grading and backfilling, the setback requirements in

Subsection D(2) above may be reduced by 1/2, so that the toe of the graded slope shall not be closer than 100 feet to any agricultural or residential district boundary line, any lot line or any street right-of-way. Stockpiles shall not exceed 100 feet in height.

- (c) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven feet horizontal to one foot vertical, beginning at least 50 feet from the edge of the water and maintained into the water to a depth of five feet.
 - (d) Drainage, either natural or artificial, shall be provided so that disturbed areas shall not collect water or permit stagnant water to remain.
- (4) Access. Truck access to any excavation shall be so arranged as to minimize danger to traffic and avoid nuisance to surrounding properties.
 - (5) Planting. When planting is the final use to which the tract is put, all that is not covered by water shall be covered with a sufficient amount of arable soils to support vegetation. A planting plan shall be prepared for the entire finished tract using various types of plant material for the prevention of soil erosion and to provide vegetative cover. When buildings are proposed as part of the final use to which the tract is put, planting in areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.
 - (6) Stone quarry. Stone quarries whose ultimate depth shall be more than 25 feet shall provide the following:
 - (a) A screen planting within the setback area as specified in Subsection D(2) above shall be required. Such a screen shall be no less than 25 feet in width and set back from the excavation so as to keep the area next to the excavation planted in grass or ground cover and clear of any obstruction.
 - (b) A chain-link (or equal) fence at least 10 feet high and with an extra slanted section on top, strung with barbed wire, shall be placed at either the inner or outer edge of the planting completely surrounding the area.
 - (c) Warning signs shall be placed on the fence at intervals of no more than 100 feet.
 - (7) No ground vibration caused by blasting or machinery shall exceed the limits established by the Act of July 10, 1957, P.L. 685, as amended, 73 P.S. §§ 164 to 168, and the rules and regulations adopted thereunder, with the exception that no blasting shall cause a peak particle velocity greater than one inch per second, measured at any property line. Blasting shall not occur between the hours of 10:00 p.m. and 7:00 a.m.
 - (8) Applicants for this use shall submit a water impact study in accordance with the requirements of this chapter.
 - (9) Blasting. No blasting or use of explosives shall be permitted upon said quarry except in accordance with the laws of the Commonwealth of Pennsylvania and in accordance with the regulations that may be promulgated by the Secretary of Labor and Industry of the Commonwealth of Pennsylvania, and, prior to the firing of a blast or the setting off of explosives in any quarry in the Township, said owner/operator shall advise, at least 24 hours prior to the time of said detonation, one adult occupant of each dwelling located on a property adjoining the property line of said quarry as to the date and time that said blast will be detonated.

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

**§ 27-1779 Use 77, Solid waste facility.
[Ord. 689, 9/10/2009]**

1. "Solid waste facility" shall mean one or more of the following:
 - A. Composting plant: a facility at which composting is done. "Composting" shall mean the process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product. "Compostable material" shall mean organic waste which is capable of undergoing composting. Composting activities associated with normal farming operations shall not be included in this definition of "composting plant."
 - B. Landfill or municipal landfill or sanitary landfill: a Pennsylvania Department of Environmental Protection approved facility for disposing of solid waste on land without creating nuisances or hazards to the public health or safety.
 - C. Recycling center: a facility established to receive, process, store, handle, and ship recyclable materials.
 - D. Resource recovery facility: a plant, establishment, set of equipment or other operation that recovers materials or products, including heat, electricity or recyclable materials from otherwise waste materials. A resource recovery facility shall not include a landfill.
 - E. Transfer station: a facility which receives and temporarily stores solid waste or recyclable materials at a location other than the generation site and which facilitates the bulk transfer of accumulated solid waste or recyclables to a facility for further processing or disposal.
2. Dimensional requirements:
 - A. Minimum net lot area: 10 acres.
 - B. Minimum lot width: 450 feet.
 - C. Minimum front yard: 200 feet (400 feet if adjacent to residences or a residential district).
 - D. Minimum side yard: 100 feet (200 feet if adjacent to residences or a residential district).
 - E. Minimum rear yard: 100 feet (200 feet if adjacent to residences or a residential district).
3. Landscaping shall be provided to buffer and screen the use from surrounding properties, to complement buildings and other structures on the site, and to enhance the overall character of the facility. A buffer zone of 50 feet in width shall be established from the property line, which shall be planted around the perimeter of the site in accordance with the buffer standards of Chapter 22, Subdivision and Land Development.

4. The facility shall be screened by fencing, walls, berming and other site improvement features to complement the proposed landscaping buffer and shall be surrounded by adequate fencing to prevent unauthorized entry.
5. The facility shall provide for adequate environmental controls to minimize noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions, and water effluents, as required under appropriate and relevant Township, federal and state environmental laws.
6. The facility shall include efficient mitigation of potential adverse environmental impacts as described in the environmental impact assessment requirements of this section.
7. The facility shall not include any building or structure with a height in excess of 35 feet.
8. The facility shall have a contract with a pest- and rodent-control company for the regular elimination and control of rats, flies, vermin and other rodents, insects and pests that might become vectors for carrying disease.
9. No use shall emit odorous gasses or other odorous matter in such quantities as to be humanly perceptible at or beyond any point at its lot lines.
10. All solid waste facilities shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Department of Environmental Protection.
11. Environmental impact assessment required. No solid waste facility shall be approved without the preparation and filing of an environmental impact assessment.

§ 27-1780 Use 78, Standard self-storage facility.

[Ord. 689, 9/10/2009]

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

A. Dimensional requirements:

- (1) Minimum lot area: 10 acres.
- (2) Maximum impervious surface ratio: 80%.
- (3) Minimum setbacks from street line: 75 feet.
- (4) Minimum setbacks from other lot lines: 100 feet.
- (5) Minimum lot width: 150 feet.
- (6) Maximum height of storage units: 12 feet.
- (7) Minimum aisle width between buildings: 26 feet.
- (8) Maximum size of any individual storage unit: 300 square feet.

- B. The storage facilities complex shall be surrounded by a fence, at least eight feet in height, of a type approved by the Township. The outside perimeter of the fence shall be surrounded by an evergreen

hedge which shall provide a visual screen, with evergreens a minimum of six feet in height planted every six feet.

- C. Outdoor storage of automobiles, boats and recreation vehicles is permitted if they are within the fenced area, provided that the parked vehicles shall not interfere with traffic movement through the complex and are not visible from the street.
- D. An office and residence is permitted as an accessory use to provide for a full-time caretaker.
- E. Minimum requirements for lease restrictions:
 - (1) No retail business activities other than leasing of storage units; no rental of trucks or vehicles.
 - (2) No storage of explosive, toxic, radioactive or highly flammable materials.

**§ 27-1781 Use 79, Indoor self-storage facility.
[Ord. 689, 9/10/2009]**

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

- A. Dimensional requirements:
 - (1) Minimum lot area: 10 acres.
 - (2) Minimum setbacks from street line: 75 feet.
 - (3) Minimum setbacks from other lot lines: 100 feet.
 - (4) Minimum lot width: 150 feet.
 - (5) Maximum height of buildings: 35 feet.
- B. Outdoor storage is not permitted.
- C. Minimum requirements for lease restrictions:
 - (1) No retail business activities other than leasing of storage units; no rental of trucks or other motor vehicles.
 - (2) No storage of explosive, toxic, radioactive or highly flammable materials.

**§ 27-1782 Use 80, Fuel storage and distribution.
[Ord. 689, 9/10/2009]**

Fuel storage and distribution: storage and distribution of fuel oil, coal, or other fuel products. This use does not include a fueling station as defined by this chapter.

- A. Minimum lot area: one acre.

**§ 27-1783 Use 81, Medical marijuana grower/processor.
[Added by Ord. 733, 9/15/2016]**

1. Conditional use criteria.

- A. A medical marijuana grower/processor shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up to date registration with the Department of Health. Should registration be denied or revoked at any time, any conditional use approval shall immediately become void.
- B. A medical marijuana grower/processor shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
- C. A medical marijuana dispensary must be located on a lot containing not less two acres.
- D. A medical marijuana grower/processor shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school or a day-care center. Nor shall a medical marijuana grower/processor be located closer than 2,500 feet from another medical marijuana grower/processor or medical marijuana dispensary.
- E. A medical marijuana grower/processor must operate entirely within an indoor, enclosed, and secure facility.
- F. A medical marijuana grower/processor may not operate on the same site as a medical marijuana dispensary.
- G. A medical marijuana grower/processor shall be limited to hours of operation not earlier than 9:00 a.m. and not later than 9:00 p.m.
- H. A medical marijuana grower/processor shall submit a disposal plan to, and obtain approval from the Township Police Chief. Medical marijuana remnants and by-products shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.
- I. There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the medical marijuana grower/processor is operating.
- J. No one under the age of 21 shall be permitted in a medical marijuana grower/processor.
- K. No retail sales of medical marijuana shall be permitted on the premises of a medical marijuana grower/processor.
- L. No use of medical marijuana shall be permitted on the premises of a medical marijuana grower/processor.
- M. A medical marijuana grower/processor shall submit a security plan to, and obtain approval from the Township Police Chief. The medical marijuana grower/processor shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of twenty-four-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.
- N. A medical marijuana grower/processor shall contract with a private security company, and the

grower/processor shall be staffed with/monitored by security personnel 24 hours a day and seven days a week.

- O. A medical marijuana grower/processor shall submit a site plan for approval by the Township Engineer and a floor plan for approval by the Township Building Code Official. The floor plan shall identify internal security measures. All medical marijuana product, by-product, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

Article I. Accessory Uses.

§ 27-1784 Use 82, No-impact home-based business. [Ord. 689, 9/10/2009]

No-impact home-based business: a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

§ 27-1785 Use 83, Accessory office. [Ord. 689, 9/10/2009]

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

- A. The area devoted to the permitted professional use shall be located within either the practitioner's dwelling or a building accessory thereto.

- B. The floor area devoted to such professional use shall be equivalent to not more than 25% of the ground area covered by the practitioner's dwelling, excluding the ground area covered by an attached garage or such other similar building.
- C. Not more than two employees, assistants or associates, in addition to the resident practitioner, shall be employed on the premises.
- D. No external alterations shall be made which involve construction features not customary in dwellings.
- E. The accessory professional use shall have direct access to an arterial street as herein defined.

**§ 271786 Use 84, Residential accessory building or structure.
[Ord. 689, 9/10/2009]**

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

- A. Parking spaces for the parking of passenger automobiles, but excluding parking of commercial vehicles other than vehicles not exceeding a one-half-ton loading capacity that are needed for travel to and from work by residents of the principal building, are completely enclosed within a building and are without materials or equipment, and also excluding repairs, sale of gas, and other such commercial uses.
- B. Structures such as fences or walls.
 - (1) Any fence erected in Warminster Township shall require a permit from the Warminster Department of Licenses and Inspections prior to being erected, and the payment of any fee for such permit.
 - (2) Prior to issuance of a permit, a plan depicting the proposed fence, as well as the fence's height, location on the property and materials, shall be submitted to the Warminster Township Department of Licenses and Inspections along with the permit application.
- C. Accessory structures within required side and rear yard. Required side and rear yards may be occupied by an accessory garage for accessory garage use and other permitted accessory buildings, structures, or uses, provided that: **[Amended by Ord. 733, 9/15/2016]**
 - (1) Such accessory building, structure or uses, except swimming pools, shall be situated not less than five feet from any lot line.
 - (2) Swimming pools and all associated equipment shall be situated not less than 10 feet from any lot line.
 - a. All decking, walking paths, sidewalks, and concrete must be a minimum of five (5) feet from the property line.
 - (3) Not less than 15 feet farther back from the principal building and a minimum of 10 foot off set between all structures.
 - (4) Hot tubs, spas, and similar structures
 - a. Shall be located in the side or rear yard and a minimum of five (5) feet from the property line.

- b. Shall be located not less than five (5) feet from the primary structure.
- (5). Generators shall be located not less than five (5) feet from the primary structure and located in the rear or side yard.
- D. Height. No accessory building, structure, or use shall exceed 20 feet in height. **[Amended by Ord. 733, 9/15/2016]**
- E. Porches or patios within required front, side and rear yards. In residential districts, required front, side and, rear yards may be occupied by a porch or patio cover that is attached to the dwelling, provided that:
 - (1) The porch or patio cover shall not be enclosed other than by screening.
 - (2) Porches or patios may not extend not more than 10 feet into a required rear or side yard unless otherwise specifically permitted by the terms of this chapter.
 - (3) The architecture and construction of the porch or patio cover shall be compatible with the architecture and construction of the home.
- F. Decks. Uncovered, unenclosed patios or decks may extend not more than 10 feet into a required rear yard only but may not extend closer than ten (10) feet to any side or rear property line, unless otherwise specifically permitted by the terms of this chapter.
- G. Buildings, such as detached garages, storage sheds, bathhouses, greenhouses or other accessory structures. Such structures shall not exceed a total of 500 square feet of ground floor area. **[Amended by Ord. 733, 9/15/2016]**
- H. Swimming pools shall be located not less than ten (10) feet from the primary structure or other buildings. **[Added by Ord. 733, 9/15/2016]**

**§ 27-1787 Use 85, Family day care.
[Ord. 689, 9/10/2009]**

A "family day-care use" is a facility operated for remuneration in which child day care is provided at any one time to up to six children, including relatives of the caregiver and nonrelatives, and where the child-care areas are part of a family residence wherein the caregiver resides, subject to conformance with the following additional regulations:

- A. A family day-care use shall only be permitted as an accessory use in a single-family detached dwelling.
- B. The owner and operator of a family day-care use must obtain a registration certificate from or be licensed by the Pennsylvania Department of Public Welfare. Failure to maintain the registration or license as required shall result in a termination of the special exception approving same, and it shall be the affirmative obligation of the owner and operator of a family day-care use to provide, annually, proof to the Township that the registration certificate or license is valid for each year.
- C. A family day-care use must be located in a residence which has frontage on a public street, and the operation of the family day-care use must be conducted in a manner so as not to obstruct the normal flow of traffic. Where necessary to provide for safe transfer of children to and from the facility, the Zoning Officer may require additional off-street parking and driveway area as a condition of the

grant of any zoning permit.

- D. Persons engaged in a family day care use shall be limited to the members of the household of the operator residing on the premises.
- E. There shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building on the premises. There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries.

**§ 27-1788 Use 86, Nonresidential accessory building or structure.
[Ord. 689, 9/10/2009]**

Nonresidential accessory building or structure: a use customarily incidental to the uses permitted in nonresidential districts in connection with such uses, except outside storage, provided that any use accessory to a use permitted only under a special exception shall be established only if and as provided in such exception and shall include the following:

- A. Office, commercial and industrial uses may provide cafeterias for their customers, employees and/or guests and may provide day-care facilities for their employees, provided that:
 - (1) The employees placing their children in the day-care facility do not leave the premises while the children are on the premises, with the exception that employees may leave the premises on their usual duties.
- B. Office uses may include newsstands, coffee shops and/or sandwich shops (which may sell sundries) which primarily serve the employees of the office uses, provided that:
 - (1) The accessory use is only open during normal business hours, i.e., 7:00 a.m. to 6:00 p.m., Monday through Friday.
 - (2) There is no exterior signage for the accessory use.
 - (3) There is no sit-down seating.
- C. Accessory Structures, including pavilions and decks shall be permitted as accessory structures subject to the following conditions:
 - (1) No larger than 500 square feet.
 - (2) Structure is located five (5) feet from the property line.
 - (3) Structure is to be used for internal use only by the employees of the principle use of the parcel.

**§ 27-1789 Use 87, Motor vehicle fuel pumps.
[Ord. 689, 9/10/2009]**

Motor vehicle fuel pump: a stand-alone facility for dispensing motor vehicle fuel, with or without a cashier's booth, which is limited to location as an accessory use to a large retail store; not a motor vehicle fueling station as defined in this chapter.

**§ 27-1790 Use 88, Heliport.
[Ord. 689, 9/10/2009]**

Heliports shall be regulated by the following:

- A. This use permits a business, only in those zoning districts where the use is permitted, to establish a heliport for its respective corporate purposes. This use does not permit establishment of an independent helicopter transport business. The use shall be buffered from other adjoining incompatible uses, such as day care and residential uses and districts. The standards are required to maximize attention to the proper site design, including the location of structures and parking areas, proper ingress and egress, development of an interior street system, where applicable, architectural design, landscaping and compatibility of any proposal with natural foliage, soils, contours, drainage patterns and the need to avoid visual intrusions and performance nuisances while maintaining visual continuity throughout the host site.
- B. Access shall be taken from an interior roadway, a common access drive, approved building landing pad, parking lot or rail line for shipping and freight purposes.
- C. Where this use is approved by the Board of Supervisors for an at-grade location, and unless otherwise required of the host site, a fence shall be constructed that is a minimum of six feet high, along with a dense screen planting of evergreens, berming suggested, 20 feet in depth, as a visual and sound barrier along the boundary on the sides and rear of the parcel. Trees shall be planted in accordance with the tree list set forth in Chapter 22, Subdivision and Land Development.
- D. Except for emergency uses and those required by law, the heliport operations shall be scheduled between the hours of 6:00 a.m. and 9:00 p.m.
- E. No parcel where a heliport is proposed to be built may be within 500 feet of a building in which a day-care program is maintained, except as an accessory use to an inhouse business.
- F. This use must comply with all federal, state and local laws.

**§ 27-1791 Use 89, Nonresidential wind-energy system.
[Ord. 689, 9/10/2009]**

A "nonresidential wind-energy system" is a device which converts wind energy to mechanical or electrical energy and which is permitted as an accessory use and structure in nonresidential districts only, in accordance with the following regulations:

- A. A wind system shall be permitted as an accessory use only. Power generated by a windmill pursuant to this section shall not exceed 20 kw. There shall be no commercial use of windmills for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with existing law or other governmental regulation, so long as the overall energy output of the windmill does not exceed the limits set forth in this subsection. **[Amended by Ord. 737, 1/19/2017]**
- B. Uses for which the wind system is a permitted accessory use are agricultural uses, residential uses, and industrial uses.
- C. No wind system shall be permitted in any open space area that has been set aside, either as part of a development or preserved through a Township, county, state, federal, or conservancy preservation program.
- D. A wind-energy system may be a freestanding pole structure or may be attached to another structure or building; however, only one windmill shall be permitted on any lot or tract of land. **[Amended by Ord. 737, 1/19/2017]**

- E. Every proposed wind system, whether freestanding or attached to another structure, shall be designed and engineered to provide for safe operation. Detailed engineering plans, prepared by a licensed professional engineer, for all proposed wind systems shall be submitted with applications for approval. If an attached system is proposed, these engineering studies shall demonstrate to the satisfaction of the Township that the wind system shall not compromise the structural integrity of the building to which it is attached.
- F. Maximum height. The maximum height of any wind system is 75 feet. This height shall include the pole or mounting structure and the blade when extended to its highest position. The pole or mounting device shall not exceed 60 feet.
- G. All wind systems shall be set back a minimum of 2.5 times the height of the structure, including the blade as extended to its highest position, from any lot line, aboveground utility line or pole.
- H. All facilities shall meet the applicable electrical codes and shall be performed by a licensed electrical contractor.
- I. Nuisance standards. All wind systems shall be designed to avoid any adverse impacts on surrounding properties. No lights shall be permitted on the wind system. All applications shall contain information on the proposed color, orientation, design of the system, and any electrical interference effects.
- J. Access control. Access to the system shall be controlled by a fence with a height of eight feet with locking portal. The ground-level equipment and structures shall be adequately buffered from adjacent properties and street rights-of-way with landscaping or fencing. Access to a windmill shall not be provided any lower than 15 feet at the highest point of the windmill base. **[Amended by Ord. 737, 1/19/2017]**
- K. A minimum of one sign shall be posted near ground level or on the tower structure warning of high voltage. The electric and utility lines to and from a wind system shall be underground.
- L. There shall be no antennas, advertising or other items or material affixed to or otherwise placed upon a windmill, except those required for safety or otherwise required by the Township. **[Added by Ord. 737, 1/19/2017]**
- M. No windmill shall be permitted that lacks an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and/or excessive pressure on the windmill or any of its component parts. Windmills shall meet any and all applicable manufacturer's specifications, as well as any state or federal standards regarding their installation and operation. All windmills shall be built, operated, and maintained to applicable industry standards as determined by the Institution of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). **[Added by Ord. 737, 1/19/2017]**
- N. The Township Zoning Officer may require an annual inspection report, prepared by an independent, licensed professional engineer, to be provided by the owner no less than 30 days from the date of a written notice to the owner requiring such inspection. The report shall certify the structural soundness and proper operation of the windmill. **[Added by Ord. 737, 1/19/2017]**
- O. Any windmill that has not been in active and continuous service for period of one year shall be removed from the property and the site restored to its preconstruction condition. **[Added by Ord. 737, 1/19/2017]**

§ 27-1792 Use 90, Residential wind-energy system.
[Ord. 689, 9/10/2009; as amended by Ord. 737, 1/19/2017]

A "residential wind-energy system" is a device which converts wind energy to mechanical or electrical energy and which is limited to use on residential lots. Each residential wind-energy system shall generate energy exclusively for the underlying residential use, shall be permitted only as an attachment to an existing building and not as a stand-alone structure, shall have a maximum height equivalent to the maximum building height permitted in the zoning district in which it is located, and shall be subject to the design, safety, inspection, and removal standards set forth in the requirements for nonresidential wind-energy systems contained under this Part 27-1791. Only one windmill may be installed on any lot or tract of ground, and such windmill shall not generate in excess of 10 kw.

**§ 27-1793 Use 91, Accessory in-law dwellings.
[Ord. 689, 9/10/2009]**

Accessory in-law dwellings are permitted as accessory uses only for use in a single-family detached dwelling.

- A. The minimum lot area for the use in the district in which the dwelling is located is required for the principal dwelling in order to be eligible to add an accessory in-law dwelling.
- B. A permit from the Bucks County Department of Health or other governmental agency with jurisdiction shall be required. Such permit shall indicate that the property can be served by either public sewers or by an adequate on-lot septic system prior to the issuance of a zoning permit.
- C. Only one accessory in-law dwelling shall be allowed per lot. The accessory dwelling shall only be used as an in-law dwelling and shall not be used as a rental unit. **[Amended by Ord. 737, 1/19/2017]**
- D. Accessory in-law dwellings shall be part of the principal residence or may be contained in an existing accessory structure such as a garage, provided that the garage or other structure is located within the building envelope for the district. No new separate structures on the same lot with the principal residence shall be permitted to be constructed for this use unless the principal use is located on a lot which has a lot size which is 1.5 times the minimum lot size required for that use in the district within which the principal residence is located.
- E. Accessory in-law dwellings shall not be located in cellar or basement areas (an area having 1/2 or more of its floor-to-ceiling height below the average level of the adjoining ground), except where at least one wall of the accessory in-law dwelling is at grade level, with direct access to the outside from the accessory in-law dwelling.
- F. There shall be no changes to the exterior of the residence which suggest that the dwelling unit is other than a single-family detached dwelling or which otherwise detract from the single-family character of the neighborhood.
- G. The height of the accessory building to be used for the accessory in-law dwelling shall not exceed the height of the principal dwelling.
- H. Occupancy of such use shall include only relatives of the family occupying the principal residence. **[Added by Ord. 737, 1/19/2017]**

**§ 27-1794 Use 92, Accessory drive-through facility.
[Ord. 689, 9/10/2009]**

- A. A "drive-through facility" is any vehicle-related commercial facility where a service is provided or goods, food, or beverages are sold to the operator of or passengers in a vehicle, without the necessity

of the operator or passengers disembarking from the vehicle. Any facility which proposes a drive-through or drive-up window as an accessory facility to a retail, service, financial, restaurant, or other use where customers are served in their vehicles shall be subject to the following requirements. **[Amended by Ord. 737, 1/19/2017]**

B. Location standards. [Added by Ord. 737, 1/19/2017]

- (1) Frontage requirements. The minimum lot frontage on at least one street shall be 150 feet for all principal uses with accessory drive-through facilities to ensure adequate room for access drives.
- (2) Drive-through facilities shall abut only arterial streets or community collector streets. Access shall not be taken from local streets.
- (3) Drive-through facilities shall not be located across the street from residential zoning districts unless separated by an arterial street.
- (4) Drive-through facilities are not permitted on sites abutting schools, parks, playgrounds, libraries, churches, and other public and semipublic uses which have substantial pedestrian traffic.

C. General standards. A drive-through facility is subject to the following standards: [Amended by Ord. 737, 1/19/2017]

- (1) Drive-through canopy height. The total height for any overhead drive-through canopy shall not exceed 15 feet.
- (2) To minimize the impacts of drive-through facilities located adjacent to residential uses, hours of operation shall be set as a condition of approval of the use.
- (3) A bypass lane/escape lane shall be provided for all drive-through facilities, which shall be separate from the drive-through lanes and parking lanes or parking spaces.
- (4) A stacking lane for vehicles awaiting service in the drive-through lane shall be provided for each drive-through window and shall be separated from other traffic circulation on the site.
- (5) The drive-through facility shall be designed so there will be no pedestrian/vehicle conflicts.
- (6) The drive-through lanes shall not be the sole ingress and egress to the site.

D. Stacking distance. [Added by Ord. 733, 9/15/2016]

- (1) A stacking area, separated from other traffic circulation on the site, is to be provided for vehicles waiting for service in the drive-through lane.
- (2) The stacking distance shall be as follows:

Minimum Lane Length per Menu Board	
Use	(feet)
Eating place	132

Minimum Lane Length per Menu Board	
Use	(feet)
Bank	132
Car wash	220
Dry cleaner	44
Pharmacy	154
Other uses	132

**§ 27-1795 Use 93, Solar energy systems.
[Ord. 737, 1/19/2017]**

A solar energy system is permitted as an accessory use in any residential or commercial district, subject to the following standards:

- A. The solar energy system shall provide power for the principal use of the property and shall not be used for the generation of power for the sale of power to other users; provided, however, that excess energy produced by the system may be sold to a public utility in accordance with existing law or governmental regulation.
- B. The solar energy system may be mounted on the ground or on a roof and shall receive approval from the local utility provider for the connection of such system to the utility grid.
- C. No solar energy system mounted upon any structure may exceed the maximum building height for the district where it is located. A ground-mounted system shall not exceed the maximum height for an accessory structure.
- D. The surface of a ground-mounted system shall be calculated as a part of the overall lot coverage and shall constitute no more than 500 square feet..
- E. No solar energy system shall be located in a front yard. Mechanical equipment associated with the system shall be screened from view from any adjacent parcel and shall be set back a minimum of 10 feet from the rear or side property lines.
 - (1). Exception: Solar energy systems utilized to power a sign located in the front yard is permitted. The mechanical system must be fully screened by landscaping and meet the setbacks as outlined in Section 23 of this Chapter for the sign it is powering.
- F. All power connections from a ground-mounted system to a structure shall be located underground.
- G. No advertising devices or signs, including banners, streamers, ribbons, pennants, or spinners, shall be affixed to the system. The manufacturer's or installer's identification and any appropriate warning signs and placards shall be displayed on the system, in accordance with the sign regulations contained in this chapter.
- H. A building permit shall be obtained for any solar energy system, and all systems shall be designed to

conform to applicable industry standards, as well as the Uniform Construction Code. All wiring shall conform to the requirements of the National Electric Code (NEC). In addition, each installation shall be made in accordance with any local grid connection and metering requirements of the utility provider.

- I. Solar energy systems shall meet the requirements of any and all other applicable Township ordinances, codes or regulations.

§ 27-1796 Use 94, Accessory Beekeeping

- A. Beekeeping as an accessory residential or educational use. The keeping of bees for personal use (as a hobby), or as part of a sanctioned educational program conducted at an accredited school or municipal facility ("beekeeping") shall be allowed as a residential or educational accessory use incidental to a permitted principal residential, educational or municipal facilitates use, subject to the following:
 - (1) Beekeeping as an accessory residential or educational use shall be permitted only pursuant to a duly issued Township Zoning Permit and subject to the rules and procedures as provided in this section.
 - (2) Commercial use prohibited. Beekeeping shall be permitted for personal or educational use only. The keeping of bees as part of any home-based business or for other any commercial purposes, including but not limited to the selling of bees or bee products, is prohibited.
- B. Registration and permits.
 - (1) No beekeeper may own or maintain an apiary within the Township or obtain a Township zoning permit for same without having first registered each proposed apiary location with the Pennsylvania Department of Agriculture, Bureau of Plant Industry ("Department") as required by the Pennsylvania Bee Law, 3 Pa.C.S.A. § 2101 et seq., as amended, and maintaining such Department registration in good standing at all times thereafter.
 - (2) No beekeeper may own or maintain an apiary within the Township or obtain a Township zoning permit for same without having first provided to the Township written proof that the applicant has executed the most current "Pennsylvania Apiary Advisory Board Voluntary Best Management Practices for Maintaining European Honey Bee Colonies in the Commonwealth of Pennsylvania" agreement or such other best management practices protocol as may be approved by the Pennsylvania Department of Agriculture, Bureau of Plant Industry, from time to time ("BMP agreement"), and that the applicant has fulfilled all other then-applicable certifications and requirements under the Bee Law and regulations promulgated thereunder.
 - (3) No beekeeper may own or maintain an apiary within the Township without first obtaining a zoning permit from the Township Zoning Officer. An application for a Township zoning permit shall be made in writing and upon such form or in such format as established by the Township, and shall be accompanied by such permit fee, if any, as may be established from time to time by resolution of the Township Board of Supervisors. The application shall be accompanied by a plot plan that includes the size of the lot, the location and number of hives, the location of each water source, the distance of the hives from the property lines, and, if required, the location of any flyway barriers. The application shall also be accompanied by written evidence that the applicant has completed a certified beekeeping educational program, and that the applicant has duly registered its proposed location with the Department, has executed a then-current BMP agreement, and has fulfilled all other then-applicable certifications and requirements under the Bee Law and regulations promulgated thereunder.

- (4) The issuance and maintenance in good standing of a Township zoning permit shall be conditioned upon and subject to compliance with all Township rules regarding the location and maintenance of beekeeping facilities, as provided herein, with all other Township ordinances, and with all then applicable Department registrations, certifications, rules and regulations.
 - (5) A beekeeper owning or maintaining an apiary in the Township pursuant to a Township zoning permit issued hereunder shall promptly notify the Township Zoning Officer and cease beekeeping activities immediately (i.e., without unnecessary delay, and in no event longer than 48 hours), if said beekeeper's Department registration terminates or lapses, or if the Department of the Township Zoning Officer determines that beekeeper is conducting beekeeping in violation of its current BMP agreement, in violation of any other requirement arising under the Bee Law, or in violation of this chapter of any other Township ordinance. In such event, any Township beekeeper zoning permit issued hereunder shall be automatically suspended and shall not be reinstated unless and until beekeeper submits proof that its Department registration has been restored and beekeeper can demonstrate to the satisfaction of the Township that it is able to resume and conduct beekeeping activities in compliance with all requirements of the applicable Township requirements as provided herein.
 - (6) Non-property owners that wish to own or maintain an apiary on property that the non-property owner is renting must include written permission from the property owner or landlord that expressly grants permission to the non-property owner applicant to maintain an apiary on the subject property. Such written permission shall be provided to the Township as part of each beekeeping zoning permit application.
- C. Rules regarding the location and maintenance of beekeeping facilities. In addition to adhering to the terms of its BMP agreement, and any other applicable Department registrations, certifications, or requirements arising under the Bee Law, all beekeepers shall at all times comply with the following Township rules regarding the location and maintenance of beekeeping facilities. In the event of a conflict or inconsistency between the BMP agreement or other Department requirements and the Township ordinance requirements, the Township requirements shall prevail:
- (1) Hive type. No beekeeper shall keep or maintain bees in any hive other than a modern movable frame hive which permits thorough examination of every comb to determine the presence of bee disease.
 - (2) Maximum number of colonies. For a property with a minimum of 5,000 square feet of lot area, a beekeeper is permitted to keep two hives. For every additional 5,000 square feet of lot area, the beekeeper is permitted two additional hives, for a maximum of six hives.
 - (3) Location of hives. Beekeeping facilities shall meet the primary structure setback requirement from any lot line.
 - (4) Location of beekeeping facilities. Beekeeping facilities shall not be located within 50 feet of a swimming pool or permanently kenneled animal at the time of initial establishment.
 - (5) Beekeeping facilities are prohibited from and shall not be located in the front yard of any property as defined by the Zoning Ordinance.
 - (6) Hive orientation and flyaway barriers. Hive entrances shall face away from neighboring property and in such a direction that bees fly across the beekeeper's property at sufficient distance to gain a height of at least six feet at the property line. The use of barriers may be employed to redirect the bees' flight pathway and establish bee flight pathways above six feet. Should the flight path not be able to be obtained as described above, then a flyway barrier, at least four feet in height, shall be placed along the side of the hive(s) that contain the entrance to

the hive(s), shall be located within five feet of the hive(s), and shall extend at least two feet on either side of the hive(s). A flyway barrier shall consist of a fence, vegetation, hedge, or combination thereof, that provides for suitable flight path of bees as described above. No flyway barrier is required for hive(s) that are located on porches or balconies at least 10 feet above grade.

- (7) Beekeeping facilities shall erect signs as necessary, but no larger than one foot by one foot, to warn persons of the presence of bees.
- (8) All hive areas shall, at a minimum, be surrounded by a three- foot-high fence to prevent unauthorized access.
- (9) Water. From April 1 through November 1 of each year, all beekeepers in the Township shall ensure that a convenient source of fresh water is available to the bees which is located closer to the apiary than any other water source.
- (10) Maintenance. All beekeepers shall ensure that no bee comb or other materials are left upon the ground of the apiary site. Upon removal from the apiary, all such material shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- (11) Best management practices. All beekeepers owning or maintaining an apiary in the Township shall practice such best management practices as adopted or recommended by the Department. (In the event of a conflict or inconsistency between the BMP agreement or other Department requirements, and any more strict Township ordinance requirements, the Township requirements shall prevail.)
- (12) Nuisances prohibited. It shall be unlawful for any beekeeper to keep any hive in such a manner as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life, or interfere with the normal use and enjoyment of the properties surrounding the beekeeper's property. By way of example and not limitation, the following activities are hereby declared to be a public nuisance and are, therefore, unlawful:
 - (a) Multiple bees stinging, attacking, or otherwise molesting others, including pedestrians, bicyclists, motor vehicle passengers, or domestic animals;
 - (b) The keeping of bees not in compliance with these Zoning provisions;
 - (c) The keeping of bees which interferes with the freedom of movement of persons in a public right-of-way;
 - (d) The keeping of overcrowded, bee diseased, or abandoned hives;
 - (e) Beekeeping facilities shall be managed in such a manner as to minimize the potential occurrence of bees entering streets, sidewalks, or unauthorized properties; and
 - (f) Beekeeping facilities shall at all times be in compliance with all applicable laws and regulations.

Part 18

Hartsville and Johnsville Historic Overlay

§ 27-1800 Hartsville and Johnsville Historic Overlay.
[Ord. 689, 9/10/2009]

1. Historic overlay for buildings within Hartsville and Johnsville. The historic villages of Hartsville and Johnsville contain valuable resources that reflect the historic architectural and development patterns of the Township. To protect this unique village and its architectural and historic resources, the following regulations shall apply and are enacted in accordance with Section 605(2)(vi) of the Pennsylvania Municipalities Planning Code.
2. Applicability. The Hartsville and Johnsville Historic Overlay includes the Tax Map parcels shown on the Zoning Map.
3. Additional use opportunities. Within the Historic Overlay, the following additional use opportunities are permitted by right and in accordance with the following regulations:
 - A. In addition to other uses permitted under this chapter, buildings or lots within the district shall have the following additional uses permitted by right:
 - (1) Library or museum.
 - (2) Business or professional office.
 - (3) Bed-and-breakfast.
 - B. The lot must be of sufficient size and dimension to accommodate the proposed use and meet all the area and dimensional requirements of this chapter for the proposed use.
 - C. The additional uses permitted under Subsection 3A above are subject to the following additional restrictions and limitations:
 - (1) The use is restricted to the principal historic structure on any lot and must be within the footprint of such structure.
 - (2) The use shall preserve distinguishing original qualities of the historic structure and the building setting.
 - (3) Signs for the use shall be limited to one unlit sign not to exceed eight square feet per side.
 - (4) No retail sales incidental to the permitted use or otherwise are permitted.
 - (5) Parking:
 - (a) Shall be situated to the rear of the historic structure;
 - (b) Shall not exceed one space for every 300 square feet of building space dedicated to the use;

- (c) Shall not be within 25 feet of any property line; and
 - (d) Shall provide buffering for neighboring properties of such density and height as to shield neighboring properties from automobile headlight glare.
- (6) Any historic structure containing a use permitted under Subsection 3A above wholly or partially destroyed by fire, explosion, flood or other natural phenomenon, or legally condemned, may be reconstructed and used for the same use, provided that reconstruction of the building shall be commenced within one year from the date the building was destroyed or condemned, shall be carried on without interruption and shall constitute an historically accurate restoration or rebuilding matching the original in terms of size, design, materials, color, texture and appearance. A bronze plaque shall be placed in a prominent location on the rebuilt structure noting the date of the destruction and the date of the rebuilding and restoration. No further expansion of the original use will be permitted.

Part 19
OPAS Off-Premises Advertising Sign Overlay

§ 27-1900 Purpose; intent.
[Ord. 689, 9/10/2009]

The OPAS Off-Premises Advertising Sign Overlay is an overlay zoning whose purpose is to provide an area for the placement of off-premises advertising signs, also known as "billboards," in the Township; to provide regulations for such signs, defined as signs which advertise other than the business transacted, services rendered, goods sold or produced on the premises, name of the business, or the name of the person, firm or corporation occupying the premises; to provide standards for construction of such signs; and to locate such signs so that they are not adverse to the health, safety and general welfare of the residents of Warminster Township.

§ 27-1901 Use regulations.
[Ord. 689, 9/10/2009]

1. An off-premises advertising sign, also known as a "billboard," shall be permitted in the OPAS Off-Premises Advertising Sign Overlay , subject to the following requirements:
 - A. Size of sign. An off-premises advertising sign may not exceed 672 square feet per side in area, with a maximum length of 48 feet and a maximum width of 14 feet.
 - B. Height and location of sign. The maximum height of an off-premises advertising sign shall be the minimum necessary in order for the sign to be reasonably viewed by the intended motorists and in no event higher than 30 feet, measured to the top of the sign. Off-premises advertising signs shall be located no closer than 20 feet to any property line.
 - C. Spacing. Off-premises advertising signs may not be located closer than 25 feet to any street, measured from the ultimate right-of-way of such street. Off-premises advertising signs may not be located closer than 300 feet to another off-premises advertising sign, measured linearly.
 - D. Number of signs per lot. There shall be no more than one off-premises advertising sign per lot.
 - E. Content. Off-premises advertising signs shall not contain advertisements for gentlemen's clubs, adult entertainment or adult businesses.
 - F. Lighting. Lighting for off-premises advertising signs is permitted, provided that the light is restricted from shining onto other properties located within Warminster Township, and that such lighting shall not take place between 12:00 midnight and sunrise. Lighting fixtures must be placed above the sign and aimed downward, rather than at the bottom of the sign and aimed upward toward the sky. All lighting fixtures must be aimed and controlled so as to place their light output only on the face of the sign and not be projected past the sign.
 - G. Internal illumination and computer controlled electronic displays are subject to compliance with the following:
 1. The size of the display fits within the permitted square footage.
 2. Messages shall not move across the display, left to right or right to left, up and down, or

be animated.

3. Messages shall not blink or flash.
 4. Messages do not change at less than eight (8) second intervals.
- H. Lot size. The minimum lot size for a property on which an off-premises advertising sign may be located is 10,000 square feet.
- I. Maintenance of sign. All off-premises advertising signs shall be structurally sound and maintained in good condition. If the signs are not structurally sound or are in poor condition, the signs shall be immediately removed at the sole cost and expense of the owner of the sign, in accordance with the provisions of this section. If an off-premises advertising sign is not structurally sound or remains in poor condition, Warminster Township shall notify the owner of the property on which the sign is located and provide the owner 60 days' written notice by certified mail, sent to the owner's last known address, to remove the sign. If the sign is not removed within 60 days from the date of the notice, the Township may remove the sign, and the cost thereof shall be paid by the owner of the property on which the sign is erected. Warminster Township may file a lien against the property or take any action authorized by law to collect the cost of removal if it is not paid by the owner of the property.
- J.. Landscaping. Landscaping shall be provided at the base of all off-premises advertising signs in order to shield from view the base, structural elements and foundation of the sign. Trees and shrubbery, including evergreens and flowering trees of sufficient size and quantity, shall be used to achieve the purpose of this section. A landscaping plan which meets the following minimum requirements shall be submitted, reviewed and approved by the Township Engineer:
- (1) Five evergreen trees, with a height of five feet to six feet, planted within a forty-foot radius on the sides and rear of the base of the sign;
 - (2) Four flowering trees, with a height of eight feet to 10 feet, planted within a fifty-foot radius on the sides and rear of the base of the sign; and
 - (3) One shrub tree, with a height of three feet to four feet for each three lineal feet of road frontage along the parcel, or 40 shrubs, whichever is greater, to be placed in front of the sign.

**§ 27-1902 Additional regulations.
[Ord. 689, 9/10/2009]**

All off-premises advertising signs shall comply with any and all applicable zoning regulations not specifically established herein and any and all Township, state and/or federal regulations, including, but not limited to, the Warminster Township Building Code and all applicable Pennsylvania Department of Transportation regulations.

Part 20

Regulations Applicable to All Uses and Districts

§ 27-2000 Compliance required.
[Ord. 689, 9/10/2009]

All uses and activities established after the effective date of this chapter shall comply with the following standards.

§ 27-2001 Noise.
[Ord. 689, 9/10/2009]

All uses and activities shall comply with Chapter 10, Part 3, Noise and Other Nuisances.

§ 27-2002 Smoke.
[Ord. 689, 9/10/2009]

No smoke shall be emitted from any chimney or other source of visible gray opacity.

§ 27-2003 Dust, fumes, vapors and gases.
[Ord. 689, 9/10/2009]

1. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, or vegetation, or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.
2. No emission of liquid or solid particles from any chimney or otherwise shall exceed 0.3 grain per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air in stack at full load.
3. No use shall emit odorous gases or other odorous matter in such quantities as to be detectable at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty-percent response level of Table I, Odor Thresholds in Air, Research on Chemical Odors: Part I, Odor Thresholds for Commercial Chemicals, October 1968, or most recent edition, Manufacturing Chemists Association, Inc., Washington, D.C. **[Added by Ord. 737, 1/19/2017]**

§ 27-2004 Heat.
[Ord. 689, 9/10/2009]

No use shall produce heat perceptible beyond its lot lines.

§ 27-2005 Vibrations.
[Ord. 689, 9/10/2009]

No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of that vibration produced as a result of construction activity.

§ 27-2006 Buffer yards.
[Ord. 689, 9/10/2009]

1. A completely planted visual barrier or landscape screen of sufficient density and height to constitute an effective screen shall be provided and maintained, in accordance with the requirements set forth in § 22-523, Landscape improvements, of Chapter 22, Subdivision and Land Development, in the following locations: **[Amended by Ord. 737, 1/19/2017]**
 - A. Between any nonresidential district and any residential district or residential use;
 - B. Between any multifamily residential use or mobile home park use and any other residential district or residential use; or
 - C. For any other use required by Part 17, Use Regulations, to provide a buffer.
2. The buffer shall be planted along the property lines and may be located within the required side or rear yard setbacks. Additional plantings may not be required where existing planting, topography, or man-made structures are deemed acceptable for screening purposes by the Board of Supervisors.
3. The buffer yard shall be measured from the district boundary line or from the near street line where a street serves as the district boundary line.
4. The buffer yard may be coterminous with required front, side or rear yards, and, in case of conflict, the larger yard requirements shall apply.
5. No structure, manufacturing or processing activity, or storage of materials shall be permitted in the buffer yard.

§ 27-2007 Storage and disposal of hazardous materials.
[Ord. 689, 9/10/2009]

1. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connecting with energy devices, heating devices or appliances, located and operated on the same lot as the tanks or drums of fuel.
2. All outdoor storage facilities for fuel, raw materials and products and all fuel, raw materials and products stored outdoors shall be enclosed by an approved safety fence.
3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or 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.
4. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

§ 27-2008 District regulations.
[Ord. 689, 9/10/2009; as amended by Ord. 737, 1/19/2017]

The regulations for each district pertaining to maximum overall density, minimum lot area, minimum lot area per dwelling unit, minimum lot width, minimum front yard, minimum side yard, minimum rear yard, maximum height and maximum impervious surface are set forth for each district in Parts 4 through 15.

No principal building or use shall be erected or established except as permitted in the appropriate part of this chapter for the district involved.

§ 27-2009 Lot area.
[Ord. 689, 9/10/2009]

1. Where a minimum lot area is specified, no principal building or use shall be erected or established on any lot of lesser area, except as may be permitted by the terms of this chapter.
2. The lot area and yards required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this chapter. No required lot area and yard shall include any property, the ownership of which has been transferred subsequent to the effective date of this chapter, if such property was part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

§ 27-2010 Minimum lot width.
[Ord. 689, 9/10/2009]

Where a minimum lot width is specified, no principal building shall be erected on any part of a lot which has a width less than is specified, except as may be permitted by the terms of this chapter.

§ 27-2011 Exceptions to minimum lot area and width.
[Ord. 689, 9/10/2009]

1. The provisions of this chapter shall not prevent the construction of a single-family dwelling, provided the yard requirements are observed, on any lot which was lawful when created and which, prior to the effective date of this chapter, was in separate ownership duly recorded by plan or deed, provided that such lot is not less than 7,000 square feet, and provided that it is permitted by special exception by the Zoning Hearing Board in accordance with Part 26 of this chapter.
2. This exception shall not apply to any two or more contiguous lots in a single ownership as of or subsequent to the effective date of this chapter in any case where a reparceling or replatting could create one or more lots which would conform to the above provisions.

§ 27-2012 Clear sight triangles.
[Ord. 689, 9/10/2009]

1. The following clear sight triangles shall be provided and maintained at all intersections, as measured in all directions from center-line intersections. No existing or proposed structures or plantings between two feet and seven feet above the road center line shall be permitted in the clear sight triangle area.
 - A. For thirty-foot to fifty-foot rights-of-way: seventy-five-foot clear sight triangle.
 - B. For greater than fifty-foot rights-of-way: one-hundred-thirty-foot clear sight triangle.
2. At each point where a private accessway intersects a public street or road, a clear sight triangle of 10 feet, measured from the point of intersection of the street line and the edge of the accessway, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than two feet above street grade.

**§ 27-2013 Yard requirements for nonresidential buildings on same lot.
[Ord. 689, 9/10/2009]**

Where two or more main buildings for other than residential uses are proposed to be built upon property in one ownership, front, side and rear yards are required only at lot lines abutting other property.

**§ 27-2014 Front yard requirements.
[Ord. 689, 9/10/2009]**

1. An open space of at least the specified depth shall be provided between the street line or lines and the nearest point of any building or structure. **[Amended by Ord. 737, 1/19/2017]**
2. Where other requirements of this chapter or Chapter 22, Subdivision and Land Development, require a larger front yard setback, the larger dimension shall apply.
3. Projections into front yards. Ground-story bays and porches not over half the length of the front wall may project into any front yard 3 1/2 feet. Chimneys, flues, columns, sills, and ornamental features may project not more than one foot and cornices and gutters not more than two feet over a required front yard.
4. Fences and terraces in front yards. Front yard requirements shall not apply to fences, hedges, or walls less than three feet high above the natural grade in the required front yard nor to terraces, steps, uncovered porches, or other similar features not over three feet high above the level of the floor of the ground story. However, a fence greater than four (4) feet may be installed within a non-residential zoning district or on a property that has a non-residential use, provided the fence is installed a minimum fifteen (15) feet from the Ultimate Right-of-Way. **[Added by Ord. 737, 1/19/2017]**
5. Driveways in front yards shall be no closer than five feet from the property line. Shared driveways may not be for greater than two dwelling units and the other most edges must be no closer than five feet from both dwelling units' property lines.
6. Driveways for non-residential properties shall meet all requirements under Chapter 22, Section 510.
7. Front yard reduction. When there is an existing building on each of two lots adjacent on either side to a lot on which a proposed building is to be erected, where both such existing buildings have an alignment nearer to the street than the required front depth elsewhere specified in this chapter, and when both such existing buildings are within 100 feet of the proposed building, the average of the existing front yard depths of such adjacent lots shall be the minimum required front yard depth of the lot on which the proposed building is to be erected.

**§ 27-2015 Side yard requirements.
[Ord. 689, 9/10/2009; as amended by Ord. 737, 1/19/2017]**

Where a minimum width of side yard is specified, no building or structure shall be erected within the specified distance from either side lot line, except as permitted by this chapter and subject to applicable provisions of Chapter 22, Subdivision and Land Development, of the Township Code.

- A. Projections into side yards. Bays, balconies, chimneys, flues, and fire escapes may project into a required side yard not more than 1/3 of its width and not more than four feet in any case. Ground-story bays and porches not over half the length of the sidewall may project into any side yard 3 1/2 feet.

- B. Fences, decks, and terraces in side yards. Side yard requirements shall not apply to fences, hedges, or walls less than six feet high above the natural grade nor to terraces, steps, uncovered porches, or other similar features not over three feet high above the floor of the ground story.

§ 27-2016 Rear yard requirements.

[Ord. 689, 9/10/2009; as amended by Ord. 737, 1/19/2017]

No building or structure shall be built within the minimum depth from the rear lot line specified, except as provided by this chapter and subject to applicable provisions of Chapter 22, Subdivision and Land Development, of the Township Code.

- A. Rear yard requirements for triangular lots. In the case of a triangular lot with no rear lot line, the distance between any point on the building and corner of the lot farthest from the front lot line shall be at least twice the minimum depth specified in the applicable district regulations.
- B. Fences, decks, and terraces in rear yards. Rear yard requirements shall not apply to fences, hedges, or walls less than six feet high above the natural grade nor to terraces, steps, uncovered porches, or other similar features not over three feet high above the floor of the ground story.

§ 27-2017 Maximum height of buildings.

[Ord. 689, 9/10/2009]

- 1. Unless otherwise provided in Chapter 22, Subdivision and Land Development, no building shall exceed the maximum height of 35 feet unless otherwise stated for a specific use or district.
- 2. Height exceptions of maximum regulations. Height limits specified in this section may be exceeded by one foot for each foot by which the width of the front, rear and side yards is increased beyond the minimum yard requirements, up to a maximum of 80 feet. This exception is applicable only in nonresidential zoning districts.

§ 27-2018 Fences.

[Ord. 689, 9/10/2009]

- 1. No fence shall be erected in Warminster Township without the issuance of a permit from the Warminster Department of Licenses and Inspections and the payment of any applicable fee as set forth in the Township's fee schedule.
 - A. Permits are required when replacing more than twenty-five percent (25%) of an existing fence.
 - B. Permits are required for the installation of all new fencing greater than one section of fence eight (8) feet or larger in length.
- 2. Prior to the issuance of a permit, a plan depicting the proposed fence, as well as the height, location on the property and materials of the proposed fence, shall be submitted with the applicable permit application to the Warminster Department of Licenses and Inspections.
- 3. No fence shall be erected in a front yard unless such fence is located a minimum of 15 feet from the outside of the legal right-of-way. **[Amended by Ord. 737, 1/19/2017]**
 - A. No fence exceeding a height of four (4) feet shall be erected in the front yard. However, a fence greater than four (4) feet may be installed in a non-residential zoning district or on a property with a non-residential use, provided the fence is installed a minimum fifteen (15) feet from the Ultimate Right-of-Way.

- B. No fence shall be erected in the front yard that is less than fifty (50) percent open.
- 4. No fence exceeding a height of six feet shall be erected, unless otherwise permitted under this chapter.
- 5. Fences must be erected so that the finished side of the fence is away from the property and any structures.
- 6. Property owners shall maintain the area between the fence and their property line. **[Added by Ord. 737, 1/19/2017]**

§ 27-2019 Special setbacks.

[Ord. 689, 9/10/2009; amended by Ord. 733, 9/15/2016]

- 1. Setbacks from resource-protected lands. On lots which include lands with resource restrictions, including floodplains, forest, streams, lakes and ponds, steep slopes and wetlands, the minimum building setback shall be the limit of the resource-protected lands rather than from the lot lines when the boundary of the resource-protected lands exceed the minimum building setback measured from the lot lines.
- 2. Setbacks from York Road and Street Road. This subsection shall apply to all uses with lot frontage on Street Road and York Road and shall apply whenever an application for land development, subdivision, zoning permit or a building permit is made.
 - A. Setback from the street line for all buildings and structures, with the exception of bus shelters and benches associated with an established bus stop, shall be a minimum of 10050 feet.
 - 1. All seasonal and holidays sales (Use 32) are exempt from this section and must follow the setbacks as outlined in Section 27-1734.
 - B. Setback from the street line for parking areas shall be a minimum of 50 feet, provided appropriate landscaping and screening is provided in accordance with Chapter 22, Subdivision and Land Development.

§ 27-2020 Lighting.

[Ord. 689, 9/10/2009]

- 1. General standards. Outdoor lighting for all residential and nonresidential uses shall be designed to minimize undesirable off-premises effects.
 - A. No use shall produce glare off the premises by illumination originating on the premises. "Glare" is defined as the sensation produced by light within the visual field that is sufficiently greater than the light to which the eyes are adapted and which causes annoyance, discomfort, or loss in visual performance or visibility for any period of time, no matter how short in duration.
 - B. No bare or direct light source shall be visible beyond the lot lines. All lights shall have a "full cutoff fixture," which is defined as a light fixture with a light distribution pattern that results in no light being projected at or above a horizontal plane located at the bottom of the fixture. This applies to all pole-mounted lights, building-mounted lights, sign lights, walkway lights, and any other type of illumination. No light shall shine directly into windows or onto streets and driveways off the premises. These standards shall not apply to holiday lights that are temporarily displayed during holiday seasons.

2. Types of pole-mounted lights permitted. Lighting shall be provided outside the historic districts by fixtures with a height above finished grade not more than the height specified in Chapter 22, Subdivision and Land Development. Height shall be measured from the ground to the uppermost point of the light fixture. Light fixtures shall be fully shielded fixtures where the light source is not visible from the property line.
3. Lighting plan required. Any outdoor lighting, such as pole-mounted, building, sign, canopy, or sidewalk illumination, and driveway lights, shall be shown on the lighting plan in sufficient detail to allow determination of the effects to adjacent properties, traffic safety and overhead sky glow.
4. Light at the property line. Illumination from light originating on the site shall comply with § 22-524 of Chapter 22, Subdivision and Land Development. All lighting applications not subject to the formal subdivision and land development process shall be reviewed by the Zoning Officer for compliance with Section 22-524.

§ 27-2021 **Bus shelters.**

[Ord. 689, 9/10/2009; amended by Ord. 733, 9/15/2016]

- A. Notwithstanding any provision of this chapter to the contrary, a bus shelter shall be a permitted use in any zoning district subject to the following criteria:
 - (1) The use shall be permitted within front yard setbacks and buffer areas only on established bus routes. Bus shelters may be located within the public right-of-way when authorization is granted by the controlling agency.
 - (2) Bus shelters shall be adequately illuminated to provide visibility during darkness as required by the Township Zoning Officer.
 - (3) Except on arterial streets, no advertising, signs, placards or other printed matter shall be permitted to be displayed on the exterior or interior of a bus shelter, except information pertaining to the applicable bus route. Bus shelters proposed to have advertising shall comply with the following:
 - (a) Advertising may be placed on bus shelters located on arterial streets, provided that the shelter has been designed to accommodate such signs, and further provided that said signs do not extend beyond the end wall of the shelter.
 - (b) Advertising shall not exceed 48 inches by 72 inches, per side, on one wall of a bus shelter.
 - (c) Bus shelters with advertising shall be no closer than 1,500 feet from another bus shelter with advertising.
 - (d) Bus shelters with advertising shall only be located at designated bus stops.
 - (e) Prior to approval of bus shelter advertising, an agreement shall be executed between the Township and the bus shelter company regarding the placement and content of such signs.
 - (f) Bus shelters with advertising shall be located along an existing sidewalk or shall include the construction of a five-foot wide sidewalk connecting to an existing sidewalk. A connecting sidewalk shall not be required if there is no existing sidewalk within 500 feet of the bus shelter.

- (g) All bus shelters shall be equipped with a trash receptacle.
- (h) All bus shelters shall be maintained in good condition. If a bus shelter is determined to be in poor condition, the bus shelter shall be immediately removed at the sole cost and expense of the owner of the bus shelter, in accordance with the provisions of this section. Warminster Township shall notify the owner of the property on which the bus shelter is located and provide the owner 60 days' written notice by certified mail, sent to the owner's last known address, to remove the bus shelter. If the bus shelter is not removed within 60 days from the date of the notice, the Township may remove the bus shelter, and the cost thereof shall be paid by the owner of the property on which the bus shelter is erected. Warminster Township may file a lien against the property or take any action authorized by law to collect the cost of removal if it is not paid by the owner of the property.

§ 27-2022 Maximum impervious area.

[Ord. 689, 9/10/2009]

Maximum impervious area may exceed the impervious surface ratio as specified in Parts 4 through 16 of this chapter, up to 10%, if the design follows the pervious hardscaping system, as detailed in Chapter 26, Appendix C.

Part 21

Open Space and Environmental Protection Standards

§ 27-2100 **Purpose.**
[Ord. 689, 9/10/2009]

The purpose of this Part 21 is to insure that environmentally sensitive features are protected and that adequate open space to serve the residents of Warminster Township is provided.

§ 27-2101 **Definitions.**
[Ord. 689, 9/10/2009]

As used in this Part 21, the following terms shall have the meanings indicated:

FLOODPLAINS

Any areas of Warminster Township, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Maps (FIRMs) dated March 16, 2015, and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the FIS and areas abutting streams and watercourses where the base flood elevation has not been delineated by an FIS but is inundated by the base flood.

[Amended by Ord. 725, 7/23/2015]

FOREST

Areas, groves or stands of mature or largely mature trees (i.e., greater than six inches in caliper) covering an area greater than 1/4 acre; or groves of mature trees (greater than 12 inches in caliper) consisting of more than 10 trees.

LAKES and PONDS

Natural or artificial bodies of water which retain water year round. Artificial ponds may be created by dams or may result from excavation. The shoreline of such water bodies shall be measured from the maximum condition rather than the permanent pool if there is any difference.

STEEP SLOPES

Areas where the average slope exceeds 8%.

WETLANDS

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

§ 27-2102 **Open space requirements.**
[Ord. 689, 9/10/2009]

1. Minimum required open space.

- A. The amount of land to be provided for open space purposes shall be supplied by residential land developers for all single-family residential developments in excess of the 10 homes and multifamily residential developments of twins, apartments, townhouses, etc., as follows. Any uses listed in Part 16 that are required to provide open space shall set aside open space in accordance with that part. If more than one requirement exists for open space, the standard requiring the higher level of open space protection shall be followed. In addition, these ratios are minimums. If, in order to meet the environmental protection standards of § 27-2103, a larger area of land is required for open space, then the larger area shall be set aside as open space.

Total Gross Area to be Set Aside as Open Space	
Dwelling Units Per Gross Acre	(percent)
Less than 1	0%
1 to 1.99	10%
2 to 2.99	20%
3 to 4.99	30%
5 or more	40%

- B. However, in no event shall the open space provided be less than one acre.

2. Open space purposes and uses.

- A. "Open space land" means land that will be used for any of the following purposes. All plans shall designate the use of open space, the type of maintenance to be provided and a planting plan.
- (1) To conserve natural or scenic resources, including but not limited to streams, wetlands, floodplains, forests. Areas designated as open space to preserve natural resources as required by this chapter shall remain undisturbed and in a natural state.
 - (2) To augment recreation or public open space opportunities. An area designated for open field play or fields for active recreation may be designated where the land does not contain natural resource restrictions and where such use is recommended by the Township Park and Recreation Board and approved by the Board of Supervisors and where the size, shape, topography, and soils make it suitable and usable for recreational use or lands established as a common green which shall be accessible to the public and central to the proposed development.
 - (a) The site or sites should be easily and safely accessible for all areas of the development to be served, have good ingress and egress and have access to a public road; however, no public road shall traverse the site or sites.
 - (b) The site or sites should have suitable topography and soil conditions for use and development as a recreation and open space area.
 - (c) The size, shape and location of the site or sites should be suitable for development as a particular type of park.

- (d) The site or sites should be free of fuel, power and other transmission lines, whether underground or overhead.
 - (e) The site or sites should, to the greatest extent practical, be easily accessible to essential utilities, water, sewerage and powers.
 - (f) The site or sites shall have usable a maximum slope of 8%.
 - (g) The site or sites should be compatible with the objectives, guidelines and recommendations as set forth in the Warminster Comprehensive Recreation and Park Study, and the developer shall design and develop these areas in accordance with the standards and criteria established by the Comprehensive Recreation and Park Study.
- (3) To preserve sites of historic, geologic, or botanic interest.
 - (4) To enhance the value of existing parks, forests, wildlife preserves, nature preserves, or other public open spaces by preserving land abutting such existing parks or open spaces serving these purposes listed in this subsection.
- B. Minimum-width buffer yards do not count as open space.
 - C. Required open space shall not include any area required by this chapter for minimum yards, setbacks, special setbacks, or building separations.
 - D. Open space whose purpose or resulting effect is to enhance the private yards of individual lots shall not be considered to meet the requirements for open space set forth in this chapter and shall not be counted in the calculation of minimum required open space. Narrow or irregular pieces of land which serve no public open space function or which are remnants leftover after the lots, streets, and parking areas have been laid out shall not be considered to meet the requirements for open space set forth in this chapter and shall not be counted in the calculation of minimum required open space.
- 3. Open space shall include the areas required for environmental protection, as required by § **27-2103**.
 - 4. Administration.
 - A. The developer may offer for dedication the land to be retained as open space to Warminster Township upon the completion of the necessary and agreed-upon changes, modifications, or improvements to the land needed to make it usable for park and recreation purposes. When the Board of Supervisors deems it to be in the public interest to accept dedicated land, such acceptance shall be by means of a signed resolution to which a property description of the dedicated recreation area shall be attached. All changes and agreements should eventually be listed directly on the signed drawing linens.
 - B. In the event that the land is not dedicated to the Township, a plan for the administration and maintenance of all such open space shall be presented to the Township Supervisors as part of the overall development plan. Such plan shall take one or more of the following forms:
 - (1) The owner or developer of the development containing the open space shall post an escrow bond or cash escrow with the Township to insure the administration and maintenance of the open space. The interest which accrues to the bond shall be used by the Township for the maintenance of the open space.
 - (2) A homeowners' association may maintain and administer common open space, but are

required to post an escrow bond or cash escrow with the Township to insure such maintenance. The association may not dissolve itself or dispose of the common open space without first offering to dedicate the same to the Township or to an organization specifically conceived and established to own and maintain the open space per the original organization's commitment.

- C. If the homeowners' association desires to dissolve and offers the land and equipment to Warminster Township, the Parks and Recreation Board shall review the land condition and maintenance costs and provide budgetary inputs to the Board of Supervisors. The Board of Supervisors shall then determine whether they wish the land to be dedicated to the Township or whether the homeowners' association is free to dispose of the land. The Board of Supervisors shall require that the land be used for open space or recreational purposes, and such land shall not become a further extension of the original building development or any subsequent development.

§ 27-2103 Environmental standards.
[Ord. 689, 9/10/2009]

The developer shall determine what environmental or natural features are present on the lot and shall meet the following standards of environmental protection. For any lot proposed for development to which the provisions of Chapter 22, Subdivision and Land Development, do not apply, the environmental standards of this section shall apply. Site alterations, including regrading the existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses prior to the submission of plans for development, shall be a violation of this chapter. Where alterations occur, restoration of the lot to its original condition shall be required. The provisions of this section shall apply to all zoning districts, including nonresidential districts. For any lot proposed for development subject to Chapter 22, Subdivision and Land Development, such lot shall not be subject to the provisions of this section but rather shall meet the environmental standards set forth in Chapter 22, Subdivision and Land Development.

- A. Floodplains. All such lands shall remain as permanent open space, except that roads may cross the floodplain where design approval is obtained from the Pennsylvania Department of Environmental Protection.
- B. Steep slopes. In areas of steep slopes, i.e., those above 8%, the following standards shall apply:
 - (1) Eight percent to 15%. No more than 40% of such areas shall be developed and/or regraded or stripped of vegetation.
 - (2) Fifteen percent to 25%. No more than 30% of such areas shall be developed and/or regraded or stripped of vegetation.
 - (3) Twenty-five percent or more. No more than 15% of such areas shall be developed and/or regraded or stripped of vegetation.
- C. Forest. No more than 30% of such forests may be cleared or developed. The remaining 70% shall be maintained as permanent open space.
- D. Lakes, ponds, wetlands or watercourses. These areas shall be left as permanent open space. No development, filling, piping or diverting shall be permitted except for required roads.
- E. Riparian buffer. No land disturbance shall be permitted within any riparian buffer except as permitted below. The measurement of the riparian buffer shall extend a minimum of 100 feet from each defined edge of an identified watercourse or surface water body at bankfull flow or

level or shall equal the extent of the one-hundred-year floodplain, whichever is greater. The buffer area will consist of two distinct protection zones.

- (1) Zone 1. This buffer area will begin at the edge of the identified waterway (which includes wetlands and intermittent watercourses) and occupy a margin of land with a minimum width of 50 feet, measured horizontally on a line perpendicular to the edge of water at bankfull flow.
 - (a) Open space uses that are primarily passive in nature may be permitted in Zone 1, including:
 - 1) Open space uses such as wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas for public or private parklands, and reforestation.
 - 2) Customary agricultural practices in accordance with a soil conservation plan approved by the Bucks County Conservation District and a nutrient management plan in accordance with state requirements, if applicable.
 - 3) Regulated activities permitted by the Pennsylvania Department of Environmental Protection and the Township for stream or wetland crossing or other encroachment (i.e., farm vehicle and livestock, recreational trails, roads, sewer or waterlines, and utility transmission lines), provided that any disturbance is offset by riparian corridor improvements as approved by the Township.
 - 4) Vegetation management in accordance with a stream bank stabilization plan or an approved landscape or open space management plan.
 - (b) Runoff or wastewater to be buffered or filtered by Zone 1 will be limited to sheet flow or subsurface flow only. Concentrated flows must be converted to sheet flow or subsurface flows prior to entering Zone 1.
- (2) Zone 2. This buffer zone will begin at the outer edge of Zone 1 and occupy a minimum width of 50 feet in addition to Zone 1. However, where the width of the one-hundred-year floodplain extends greater than 100 feet from the waterway, Zone 1 shall remain a minimum of 50 feet and Zone 2 shall extend from the outer edge of Zone 1 to the outer edge of the one-hundred-year floodplain. Uses permitted in this buffer area include open space uses that are primarily passive in nature, including:
 - (a) Open space uses such as wildlife sanctuaries, nature preserves, forest preserves, passive areas for public or private parklands, recreational trails and reforestation.
 - (b) Customary agricultural practices in accordance with a soil conservation plan approved by the Bucks County Conservation District.
 - (c) Regulated activities permitted by the Pennsylvania Department of Environmental Protection and the Township for stream or wetland crossing or other encroachment (i.e., farm vehicle and livestock, recreational trails, roads, sewer or waterlines, and utility transmission lines), provided that any disturbance is offset by riparian corridor improvements as approved by the Township.
 - (d) Recreational activities or uses not involving impervious surfaces such as ball fields or golf courses.

- (e) Naturalized stormwater management facilities, provided the entire facility is located a minimum of 50 feet from the defined edge of the identified watercourse and situated outside the one-hundred-year floodplain.
- (3) Prohibited uses. Any use or activity not authorized within Subsections A or B above shall be prohibited within the riparian buffer. The following activities and facilities are specifically prohibited:
- (a) Clear-cutting of trees and other vegetation.
 - (b) Selective cutting of trees and/or the clearing of other vegetation, except where such clearing is necessary to prepare land for a use permitted under Subsections A or B above or where removal is necessary as a means to eliminate dead, diseased or hazardous trees. Removal is subject to revegetation by native plants that are most suited to the riparian corridor.
 - (c) Storage of any hazardous or noxious materials.
 - (d) Roads or driveways, except as permitted as corridor crossings by the Pennsylvania Department of Environmental Protection and the Township.
 - (e) Parking lots.
 - (f) Subsurface sewage disposal areas.
- (4) Revegetation of riparian area. In cases where a major subdivision or land development is proposed, replanting of the riparian corridor shall be required where there is little or no existing streamside vegetation. Native vegetation approved by the Township must be used in replanting efforts. Three layers of vegetation are required when replanting the riparian corridor. These layers include herbaceous plants that serve as ground cover, understory shrubs, and trees that form an overhead canopy. The revegetation plan shall be prepared by a qualified professional such as a landscape architect or engineer and shall comply with the following minimum requirements, unless modified by the Board of Supervisors upon recommendation of the Planning Commission:
- (a) Ground cover. Ground cover consisting of a native seed mix extending a minimum of 25 feet in width from the edge of the stream bank must be provided along the portion(s) of the stream corridor where little or no riparian vegetation exists. Appropriate ground cover includes native herbs and forbs, exclusive of noxious weeds as defined by the Pennsylvania Department of Agriculture. This twenty-five-foot-wide planted area shall be designated on the plan as a "no mow zone" and shall be left as natural cover except in accordance with the maintenance instructions stated on the plan.
 - (b) Trees and shrubs. These planting layers include trees that form an overhead canopy and understory shrubs. Overstory trees are deciduous or evergreen trees that include oak, hickory, maple gum, beech, sycamore, hemlock, pine and fir. Evergreen and deciduous shrubs should consist of elderberry, viburnum, azalea, rhododendron, holly, laurel and alders. These plants shall be planted in an informal manner, clustered within Zone 1 of the riparian buffer as indicated in this Subsection E(4). These plants shall be provided at a rate of at least one overstory tree and three shrubs for every 20 linear feet of waterway. **[Amended by Ord. 737, 1/19/2017]**
 - (c) Exceptions. These planting requirements shall not apply to existing farm fields

located within the riparian buffer if farming operations are to be continued and the required nutrient management plan is met.

§ 27-2104 Required protection.
[Ord. 689, 9/10/2009]

1. Areas with environmental restrictions due to slopes, woodlands, wetlands, floodplains, streams, watercourses, and riparian buffer areas shall be left undisturbed to the extent specified herein and not occupied by structures, driveways, parking areas, or other improvements. No portion of the building envelope or yard areas in which parking or accessory structures are permitted shall be occupied by environmental resources as defined above.
2. Areas outside of the building envelope of the lot for single-family detached dwellings only (the area of the lot excluding all required yard areas, setbacks, and easements) may contain environmental resources as defined herein, provided that those areas so affected must be identified on the recorded plans for the subdivision or land development or on the building permit application and shall be subject to a deed restriction to prevent any disturbance or development of these areas.

§ 27-2105 Fee in lieu of open space.
[Ord. 689, 9/10/2009]

1. Where the Board of Supervisors agrees with the developer that, because of the size, shape, location, access, topography or other physical features of the land, it is impractical to set aside land for recreational and/or open space area as required by this chapter, the Supervisors shall require a payment of a fee in lieu of the provision of such land, which shall be payable to the Township prior to approval of each final section of the overall plan by the Board of Supervisors.
2. The amount of the fee shall be substantially equal to the value of the land that would have been set aside and shall be paid to the Township prior to the approval of the final plot. The land shall be valued in its unimproved state. In the event that the Township and the developer are unable to agree on the value, the value will be determined by arbitration before three disinterested persons, one thereof to be appointed by the Township, one by the developer, and the third by the two appointed as aforesaid, and the award of such three persons, or any two of them, shall be final and conclusive.
3. All monies paid to the Township pursuant to this chapter shall be kept in a capital reserve fund. Monies in such fund shall be used only for the acquisition of recreation and open space land or capital improvements for open space and park and recreation purposes within the Township.

Part 22

Off-Street Parking and Loading

§ 27-2200 Off-street parking space requirements.
[Ord. 689, 9/10/2009]

1. Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each use established, erected, enlarged or altered for any of the following purposes in any district. Where the computation of required parking space results in a fractional number, it shall be rounded up to the next higher number. Handicap parking shall be required in accordance with applicable law, including the Americans With Disabilities Act, as amended.
 - A. Agriculture: no required parking unless there is retail sale of farm products, in which case adequate off-road parking shall be provided for patrons.
 - B. Lawn and garden center: one space per 1,000 square feet of gross floor area.
 - C. Uses 3, , 4, 5, 6, 7, 9, all residential uses except mobile home park (Use 8) and transit-oriented development (Use 9) (see use regulations in Part 16): two spaces per dwelling unit. Garage spaces do not count as required parking spaces. **[Amended by Ord. 724, 6/18/2015]**
 - D. Place of worship: one off-street parking space for each 150 square feet provided for patron use in the main assembly area.
 - E. Public or private school:
 - (1) Kindergarten, elementary and middle school: one space for every teacher and employee, plus one space per every three classrooms.
 - (2) High school: one space for every teacher and employee, plus one space per every 10 students of school capacity. Additional parking shall be required to accommodate special events, athletic meets, and other school activities. The amount shall be determined in consultation with the Board of Supervisors.
 - (3). College, university, or trade school: One space for each faculty member and employee, plus one space per ten (10) students of building capacity.
 - F. Library or museum: one space per 500 square feet of gross floor area available for patron use.
 - G. Public recreational facility: to be determined by the Board of Supervisors based on facility use and design.
 - H. Fitness Center: One space per every 200 square feet of gross floor area.
 - I. Golf course: one off-street parking space per four people of "total capacity," which is defined as the total for all uses based on the maximum capacity of the course, plus capacity of the restaurant.
 - J. Private club or lodge: one space for each 100 square feet of total floor area.

- K. Community center: one space for each 100 square feet of total floor area.
- L. Day-care center and adult day care: one space for each teacher, administrator, and maintenance employee, plus one space for every five persons receiving care which can be accommodated at the center.
- M. Hospital campus: one space for each bed or treatment space in the facility.
- N. Nursing home/personal care facility: one space for every three beds.
- O. Sober living facility (Use 25): a minimum of three spaces per facility. Garage spaces do not count as required parking spaces. One additional off-street parking space shall be provided for each nonresident staff person. One additional off-street parking space shall be provided for each additional two residents over five, unless demonstrated that such individuals are incapable or not permitted to operate a motor vehicle during the period of residency. **[Added by Ord. 733, 9/15/2016]**
- P. Alternative therapy provider/massage therapy center (Use 27, 28): one space per 250 square feet of gross floor area. **[Added by Ord. 733, 9/15/2016]**
- Q. Day Spa (Use 45): one space per every 400 square feet of gross floor area.
- R. Medical/dental/veterinarian office or clinic: one space per 250 square feet of gross floor area.
- S. Business, professional, or governmental offices: one space for each 300 square feet of gross floor area.
- T. All retail and consumer service uses, except for those uses where another parking requirement is specified: one space per 250 square feet of gross floor area.
- U. Restaurant: one off-street parking space per 250 square feet of gross floor area. If the use is takeout only and provides no seating, the parking requirement for retail use shall be met.
- V. Tavern and hookah bar/lounge (Use 38, 39): one off-street parking space for every three seats or one off-street parking space per 250 square feet of gross floor area, whichever is greater. **[Added by Ord. 733, 9/15/2016]**
- W. Mortuary or funeral home: one space for each 200 square feet of gross floor are used or intended to be used in the operation of the establishment.
- X. Hotel: one off-street parking space for each rental room or suite.
- Y. Bed-and-breakfast: one off-street parking space for each rental room or suite. If special events are permitted, parking to accommodate attendees, at a rate of one space per every two attendees of capacity, shall be provided.
- Z. Indoor commercial entertainment and adult business: one space for each 200 square feet of gross floor area.
- AA. Outdoor private recreation: one space for each five persons of total capacity.
- BB. Kennel: one space for every 10 animals of capacity in the kennel.
- CC. Motor vehicle fueling station: one off-street parking space for every 100 square feet of gross

floor area devoted to convenience commercial sales, plus two off-street parking spaces for each service bay. Off-street parking spaces shall not be part of, nor interfere with, access to fueling pumps.

- DD. Car wash: one space per employee on duty at any one time, not counting those spaces required for a car wash for a stacking area.
- EE. Sale or rental of automobiles: one off-street parking space for each 100 square feet of interior sales area, plus six spaces for each service bay. Spaces within service bays or showrooms shall not count as required parking spaces. These spaces shall be differentiated on all plans submitted for review and approval.
- FF. Motor vehicle sales: one off-street parking space for each 100 square feet of interior sales area, plus six spaces for each service bay. Spaces within service bays or showrooms shall not count as required parking spaces. These spaces shall be differentiated on all plans submitted for review and approval.
- GG. Motor vehicle repair garage: one off-street parking space for every 200 square feet of gross floor area devoted to retail activities, plus six off-street parking spaces for each service bay, plus one space for each employee. Spaces within service bays shall not be used to meet off-street parking requirements.
- HH. Emergency services: for uses with a community room or training room, one space for every four persons of capacity.
- II. Medical marijuana dispensary (Use 61): one space per 250 square feet of gross floor area. **[Added by Ord. 733, 9/15/2016]**
- JJ. Municipal uses. Off-street parking shall be determined by the Board of supervisors based on anticipated use for the type of facility involved.
- KK. Railway/transportation station: off-street parking spaces as the Board of Supervisors shall determine adequate to serve customers, patrons, visitors, employees and vehicles normally parked on the premises.
- LL. Truck terminal: off-street parking spaces as the Board of Supervisors shall determine adequate to serve customers, employees, visitors, and vehicles normally parked on the premises.
- MM. Trade or professional school: one off-street parking space per faculty member and employee, plus one space per five students expected to be present at a time.
- NN. Equipment rental or motor vehicle leasing: one space per 250 square feet of gross floor area.
- OO. All industrial uses: one space per 3,000 square feet of gross floor area.
- PP. No-impact home-based business: no additional parking required.
- QQ. Accessory office: three off-street parking spaces in addition to spaces otherwise required.
- RR. Banquet and Catering Facility: Twenty-five spaces per every 1,000 square feet of gross floor area.

**§ 27-2201 Modification of parking requirements.
[Ord. 689, 9/10/2009]**

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 may permit a reduction of parking space if the following conditions are satisfied:

- A. The design of the parking lot, as indicated on the land development plan, must designate sufficient space to meet the parking requirements of this chapter. The plan shall also illustrate the layout for the total number of parking spaces.
- B. The reduction shall provide for the establishment of not less than 70% of the required number of parking spaces, as specified in this chapter.
- C. The balance of the parking area reserved shall not include areas for required buffer yards, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this chapter. The developer shall provide a landscaping plan for the reserved area with the land development plan.
- D. The developer shall enter into a written agreement with the Board of Supervisors guaranteeing that the additional parking spaces shall be provided at the developer's or owner's expense should it be determined that the required number of parking spaces are necessary to satisfy the need of the particular land development. This decision shall be made at the sole discretion of the Board of Supervisors.
- E. At the time of the above-stated agreement, the developer or owner shall post securities to cover the cost of installing the required parking. The Board of Supervisors shall determine if the additional spaces shall be provided by the developer or if the area shall remain as open space.

**§ 27-2202 Existing parking; shared parking; location of spaces; maintenance requirements.
[Ord. 689, 9/10/2009]**

1. Existing parking. Structures and uses in existence at the date of adoption of this chapter shall not be subject to the requirements of this Part **22** so long as the kind or extent of use is not changed and provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
2. Conflict with other uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
3. Shared parking. Two or more uses may provide for required parking in a common parking area if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total if it can be demonstrated to the Township that the hours or days of peak parking needed for the uses are different and that a lower total will provide adequately for all uses served by the facility. Shared parking will be permitted under the following circumstances:
 - A. The uses subject to shared parking must be either part of a single lot, such as an office park, industrial park, or mixed-use development; or the uses must be on lots that are physically adjacent to each other, with cross-easements or other arrangements that allow for shared driveways and shared parking.

- B. Owners or applicants for all uses proposing to use the shared parking arrangement must provide written agreements, in a form acceptable to the Township, outlining the terms of the shared parking arrangement.
 - C. Authority for shared parking shall be pursuant to conditional use approval granted by the Board of Supervisors.
4. Location of parking spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served. If this requirement cannot be met, then the size or capacity of the proposed use must be reduced so that all parking requirements can be met.
 - A. Parking spaces should be no closer than ten feet from the property line in any direction.
 5. Off-site parking. Parking may be provided off site in accordance with the following requirements and only if approved as a conditional use by the Board of Supervisors:
 - A. The applicant shall provide an agreement, in writing, that the parking spaces are available and secured by lease or license, or the applicant shall provide proof of the availability of the required parking spaces which are not needed to meet the requirements of another use which can be used for parking purposes by the applicant.
 - B. This option may be used to meet up to 50% of the parking requirement.
 - C. The use for which off-site parking is provided shall be discontinued immediately upon loss of parking arrangements. Renewal of the lease or license shall be provided to the Township annually.
 - D. Off-site parking space arrangements are permitted only where the off-site parking is located no more than 200 feet from the property line of the use it serves and only for nonresidential uses; or, in the case where safe, protected pedestrian pathways are provided, the distance may be extended to 300 feet from the property line.
 6. Maintenance of parking areas. All parking areas shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Township to the extent necessary to prevent dust, erosion, and/or flow across streets or other property. All off-street parking spaces shall be marked so as to indicate their location.

§ 27-2203 Off-street loading.
[Ord. 689, 9/10/2009]

Suitable and safe off-street loading shall be provided for every facility where the use exceeds 6,000 square feet. Loading docks, truck accessways, clearances, and turning radii shall be shown on all land development or zoning permit applications. If it is determined that the use will be served by trucks for loading and unloading, then loading spaces on the site shall be provided in accordance with need. No on-street loading or unloading is permitted.

§ 27-2204 Regulations for parking tractor-trailers, commercial vehicles, and major recreational equipment.
[Added by Ord. 733, 9/15/2016]

1. No tractor-trailer truck or trailer from a tractor-trailer truck shall be stored or parked for more than 48 hours within the R-1, R-2, R-3, R-4, CCRC, CCRC-2, or AQC Zoning Districts unless it is stored within a completely enclosed building or is located at least 100 feet from the property line.

2. No commercial vehicle or part thereof having a gross weight of more than 20,000 pounds or in excess of 18 feet in length shall be stored or parked on a parcel of land within the R-1, R-2, R-3, R-4, CCRC, CCRC-2, or AQC Zoning Districts for more than 48 hours within any seven-consecutive-day period unless it is stored within a completely enclosed building or is located at least 100 feet from the property line.
3. Major recreational equipment, including, but not limited to, boats and boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers or similar equipment, shall not be parked or stored on any public street without a valid license plate and registration, in so far as, such equipment does not pose a traffic safety concern as determined by the Warminster Township Police Department or the Warminster Township Zoning Officer

All such major recreational equipment may be parked or stored on an approved lot, provided it is located as follows:

- A. Within a carport;
 - B. Within a completely enclosed building;
 - C. Within the side or rear of a lot, but no closer than five (5) feet to a property line;
 - D. Within the front yard provided that the major recreational equipment is located as follows:
 1. Located on a paved or modified/crushed stone driveway
 2. Recreation equipment parked in the front yard may not cause ingress and egress sight line and safety issues for adjacent properties' driveways as determined by the Warminster Township Police Department or the Warminster Township Zoning Officer.
 - E. No more than two major recreational equipment items may be located on the exterior of a parcel. Any additional equipment must be located in a completely enclosed structure.
 - F. On a nonresidential lot that has been previously approved for storing major recreational equipment.
4. No construction equipment or commercial vehicles shall be stored in the front yard.
 5. Major recreational equipment is permitted as an accessory use of a single family detached dwellings and two family attached dwellings.
 6. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for that lot.

Part 23

Sign Regulations

§ 27-2300 Scope and applicability.

In all zoning districts within the jurisdiction of this chapter, signs may be used, erected, maintained, altered, relocated, removed or demolished only in compliance with the provisions of this article and any and all ordinances and regulations of the Township relating to the use, erection, maintenance, alteration, moving or removal of signs or similar devices.

All plans and applications for subdivision and land developments shall include on the plans information describing all signs proposed for the subdivision and/or land development. The plans shall indicate the size, location, style, materials, proposed text, lighting, and colors for all signs, to demonstrate that the requirements of the Township's sign regulations as set forth in this chapter have been satisfied.

§ 27-2301 Definitions.

As used in this Part 23, the following terms shall have the meanings indicated:

ABANDONED SIGN

A permanent sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least three-hundred sixty-five (365) days; a sign which is damaged, in disrepair, or vandalized and not repaired within ninety (90) days; a sign which contains an outdated message for a period exceeding thirty (30) days.

ALTERATION

A change in the size, shape, or type of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration, providing there is no increase in the size of the sign face or panel.

ANIMATION

The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign; the movement of a sign set in motion by the atmosphere. Time and temperature devices shall be considered animated signs.

APPLICANT

A person or entity who applies for a sign permit in accordance with the provisions of this Ordinance.

AWNING SIGN

A sign with its copy on a shelter made of any non-rigid material, such as fabric or flexible plastic that is supported by or stretched over a frame and attached to an exterior wall of a building or other structure.

BANNER SIGN

A sign with its copy on non-rigid material such as cloth, plastic, fabric or paper with no supporting framework. Banners are temporary in nature and do not include flags. Flags shall include, but are not limited to, the flag of the United States, the Pennsylvania state flag, and/or other local governmental flags.

BILLBOARD

See “Off-Premise Advertising Sign Overlay”

BUILDING FACADE

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

BUILDING SIGN

A sign that is applied or affixed to a building.

BUS SHELTER SIGN

A dedicated space on the wall of a bus shelter not to exceed four feet by six feet dedicated to advertising that is characterized by changeable copy, installed and maintained in accordance with the requirements of § 27-2021,

CANOPY SIGN

A sign on a rigid multi-sided structure attached to a building or on any other freestanding structure that may have a roof with support but no walls.

CHANGEABLE COPY

The ability of sign copy to be changed manually by placement of individual letters and symbols, digitally, or electronically. Digital or electronic changeable copy signs are also referred to as “Electronic Message Centers” and are regulated by §23-2305.C.

COPY

The graphic content or message of a sign.

DIRECTIONAL SIGN

Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE-FACED SIGN

A sign with two faces, back to back.

ELECTRONIC MESSAGE CENTER (EMC)

An electrically activated changeable copy sign whose variable message and/or graphic presentation capability can be electronically or digitally programmed.

EMERGENCY SIGN

Emergency warning signs erected by a government agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

EXTERNAL ILLUMINATION

A source of indirect illumination located away from the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.

FASCIA SIGN

See “Wall Sign.”

FOOT CANDLE (FC)

A measure of illuminance, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle (sometimes also written footcandle or foot candle).

FREESTANDING SIGN

The general term for any sign which is supported by structures or supports that are placed on, or anchored in, the ground and that is independent and detached from any building or other structure. Freestanding signs can be considered monument signs or pole signs.

INCIDENTIAL SIGN

A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “telephone,” “no trespassing” and other similar directives, and window signs giving store hours or the names of credit institutions. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

INTERNAL ILLUMINATION

A source of illumination entirely within the sign which makes the content of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of illumination is not visible.

MARQUEE SIGN

Any sign attached to a covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

MOBILE BILLBOARDS

Any vehicle or trailer which has attached thereto or thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. These shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

MONUMENT SIGN

A freestanding sign, permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. Also known as a ground sign.

NONCONFORMING SIGN

Any sign which is not allowed under this Ordinance, but which, when first constructed before this Ordinance was in effect and for which a sign permit was issued, was legally allowed.

OFF-PREMISE SIGN

See “Outdoor Advertising Sign.”

Outdoor Advertising Sign

A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or non-commercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. May also be referenced as an Off-Premise Sign or Billboard.

PARAPET

The extension of a building façade above the line of the structural roof.

PROJECTING SIGN

A sign which is supported by an exterior wall of a building or other structure and which is constructed and displayed perpendicular to the face of the building or other structure so that both sides of the sign are visible.

POLE SIGN

A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or base structure.

ROOF SIGN

A sign which is erected, constructed, and maintained on or above the eave of the roof of a building.

SANDWICH BOARD SIGN

A movable, temporary sign consisting of two faces, connected and hinged at the top.

SIGN

Any device visible from a public place whose essential purpose and design is to convey either commercial or non-commercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. The term “sign” shall not include any flag or badge or insignia of the United States, State of Pennsylvania, Bucks County, Warminster Township, or official historic plaques of any governmental jurisdiction or agency.

SIGN AREA

The total area of the face of a sign including all lettering, wording, accompanying designs and symbols, together with a background, whether or not open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself. In the case of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be the smallest rectangle or other geometric shape which encompasses all letters and symbols. See §23-2404.G.

STREET POLE BANNER

A banner suspended above a public sidewalk and attached to a single street pole. These signs shall not contain any commercial advertisement.

TEMPORARY SIGN

A sign not intended or designed for permanent display. Temporary signs are intended to be removed after the purpose has been served.

WALL SIGN

A sign that is in any manner affixed to an exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face of the architectural projection to which it is affixed.

WINDOW SIGN

A sign that is applied, painted, or affixed to a window, or placed inside a window, facing the outside of the building, and visible from the outside.

§ 27-2302 Prohibited Signs

The following signs are prohibited:

- A. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this chapter in the zoning district on which the property to which the sign relates is located. This provision does not apply to off-premise, outdoor advertising signs.
- B. Any sign which flashes, rotates, spins, revolves or oscillates (with the exception of barber poles).
- C. Any sign which emits smoke, visible vapors or particles, sound or odor.
- D. Any illuminated sign in residential districts, except as provided for in § 27-2306.
- E. No sign shall contain neon or other gases or powders in exposed tubes where the tubes are visible, except for signs located within windows.
- F. Mobile billboards, if they are parked in such a manner that their primary purpose is for advertising.
- G. Roof signs.
- H. Any sign which interferes with an official highway sign.
- I. Any sign which imitates or attempts to imitate an official traffic sign, signal or device.
- J. Off-premises outdoor advertising signs shall be permitted only in the Off-Premises Outdoor Advertising Sign Overlay District.

- K. Signs or any guide, stay or attachment thereto erected, placed, painted, or maintained by any person, with the exception of Warminster Township, on rock, or trees or electric light, power, telephone or telegraph, or other pole on any street in the Township, nor affixed to or on any trail in the Township

§ 27-2303 Exempt Signs

A sign permit shall not be required prior to the erection, structural repair, alteration, moving, removal or demolition of any exempt signs in any zoning district in the municipality. Exempt signs shall conform to the regulations of § 27-2304. No exempt sign shall be illuminated, except as provided for herein.

Exempt signs are as follows:

- A. Official highway route number signs, street name signs, emergency signs, and other official traffic signs which are in the interest of public safety or the regulation of traffic.
- B. Trespassing signs; signs indicating the private nature of a road, driveway or premises; and signs prohibiting or otherwise controlling fishing or hunting upon a particular premises, provided that the area of one side of any such sign shall not exceed two square feet and shall be spaced at intervals of not less than 100 feet of street or property line frontage.
- C. Incidental signs, such as those advertising the availability of rest rooms, or public conveniences or those applied to a windowpane giving store hours or the name(s) of credit or charge institutions, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods or services. Any sign covered by this subsection shall not exceed two square feet.
- D. Governmental flag or insignia. Flags shall include, but are not limited to, the flag of the United States, the Pennsylvania state flag, and/or other local governmental flags.
- E. Legal notice.
- F. Cornerstone; historical plaque or sign affixed to the surface of a building wall and not exceeding two (2) square feet.
- G. Governmental signs, including safety signs, signs indicating points of interest, signs identifying official governmental buildings or facilities. Signs identifying governmental buildings, police stations or other Township facilities may be illuminated by exterior lights focused on the sign.
- H. Directional signs, provided they do not contain any commercial messaging. Such sign shall not exceed four (4) square feet in area and shall have a maximum height of five (5) feet. Directional signs shall be non-illuminated.

§ 27-2304 General Sign Regulations

A sign permit shall be secured from the Zoning Officer prior to the use, erection, structural repair, alteration, relocation, removal or demolition of any sign unless listed as exempt as per § 2303. The following regulations shall be observed for all signs in all zoning districts in the Township:

- A. Signs which advertise, promote or draw attention to any product, article of business, service or activity sold, occurring or located at or in the place or premises where such sign is located shall be allowed by permit in the Township, except where specifically exempt from such requirements. Off-premise, outdoor advertising signs are permitted only in accordance with

Section 19.

- B. Any sign located along the right-of-way of a state or federal highway shall comply with any more restrictive requirements of the state and federal government relating thereto.
- C. Location of signs.
- (1) No sign shall be placed in such a position as to endanger traffic by obscuring the view or by confusion with official street signs or signals because of position, color or reflective surface.
 - (2) Except in the case where a local right-of-way abuts a structure, only street pole banner signs, traffic signs and similar regulatory notices of a duly constituted governmental body are permitted within a street right-of-way.
 - (3) No sign shall be erected or maintained nearer to a street line or lot line than a distance equaling the height of the top of the sign, or ten (10) feet, whichever is greater, except in the case where the sign is temporary, a local right-of-way abuts a structure, the sign is a street pole banner, or the sign is that of a governmental authority.
 - (4) A sign shall not project over a public walkway, except for street pole banners and where a local right-of-way abuts a structure or for signs of a governmental entity. For those exceptions where a sign is permitted, the lowest edge of such sign shall be at least eight feet above the sidewalk elevation.
 - (5) If a sign is located on a public or private sidewalk, a minimum of four (4) feet of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
- D. Sign Height. Sign height for all freestanding signs shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case where a sign is located greater than one hundred (100) feet from a public street, height shall be measured to the mean grade at the base of the sign.
- (1) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
 - (2) All signs must be contained within the building height restriction of the zoning district, with the exception of off-premise outdoor advertising signs.

Figure 1
Example of Sign Height

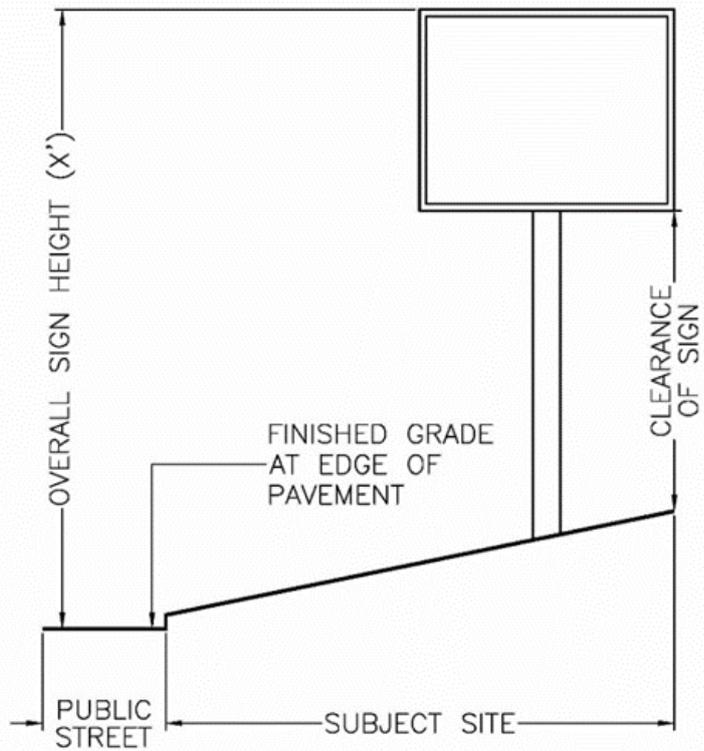
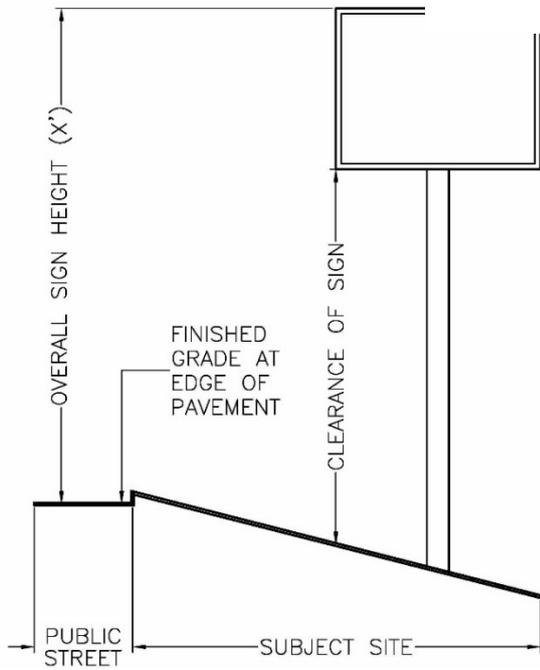


Figure 2
Example of Sign Height



E. All signs must be constructed with durable materials, must conform with the requirements of the PA UCC, and must be kept in good condition and repair. Any sign which is allowed to become dilapidated may be removed by the Township in accordance with the regulations contained in §27-2311.

F. Illumination of signs.

(1) Light sources to illuminate signs shall neither be visible from any street right-of-way nor cause glare hazardous or distracting to pedestrian, vehicle drivers, or adjacent properties.

No more than 0.2 foot-candle of light shall be detectable at the boundary of a nonresidential property and 0.1 foot-candle at the boundary of a residential property

(2) With the exception of electronic message center signs, signs on non-residential properties may be illuminated from 5 am until 11 pm or ½ hour past close of business of the facility being used or advertised, whichever is later.

(3) Illumination types:

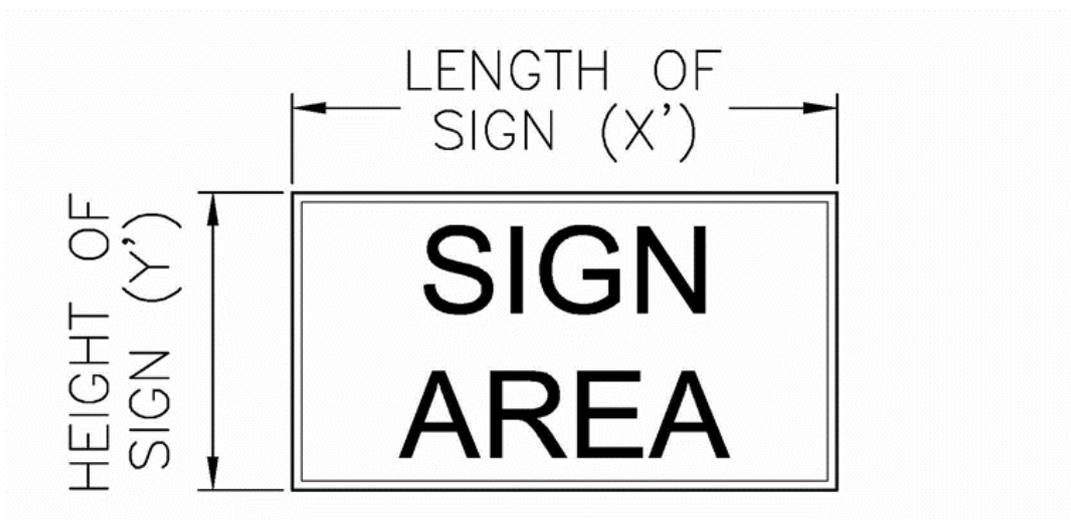
[a] External illumination, where permitted, is allowed only as a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color and concealed by a translucent cover.

[b] Internal illuminations, including back-lighting, must be static in intensity, and color. No portion of the light source should be visible.

G. Area of a sign.

(1) The area of a sign shall be construed to include all lettering, wording and accompanying design and symbols, together with a background, whether or not open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

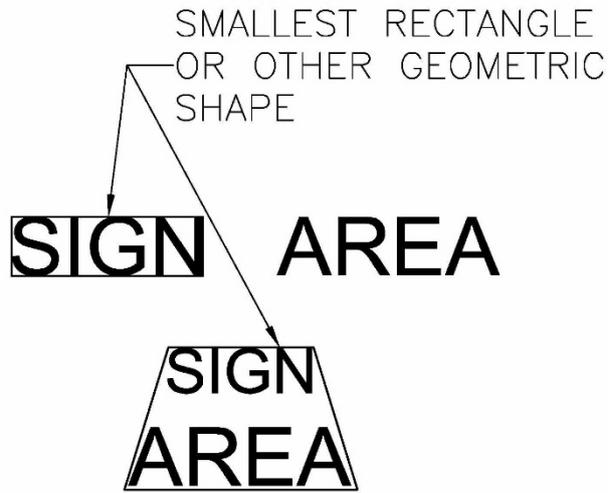
Figure 3
Example of Sign



(2) Where the sign consists of individual letters or symbols attached to or painted on a

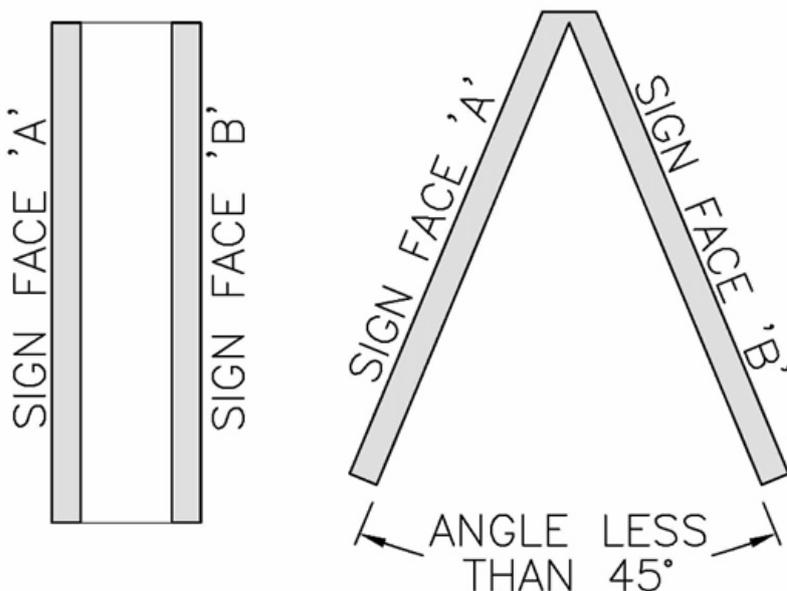
surface, building, wall or window, the area shall be considered to be the smallest rectangle or other geometric shape which encompasses all the letters and symbols.

Figure 4
Example of Sign Area – Individual



- (3) In computing the size of a double-faced sign, only one sign face shall be considered, provided that both faces are identical, except where the interior angle formed by the two sides is greater than 45°, in which case both sides shall be counted as part of the sign area. Outdoor Advertising Signs shall be in compliance with Article XIX.B.

Figure 5
Example of Sign Area – For Double Faced Signs



- H. Unless otherwise specifically permitted by this ordinance, only one (1) sign per permitted type shall be placed on any one premises, unless such premises fronts on more than one street, in which case one (1) of each permitted sign type may be placed on each street frontage. Temporary

signs do not count toward the number of signs allowed on a property, provided they meet the requirements of this Article. Further, each sign will require a permit except where specifically exempted by this Article.

§ 27-2305. Regulations by sign type.

The following regulations shall apply to all signs. All general sign regulations (§27-2304) are applicable as well as any additional requirements within the specified zoning district in which the sign is located.

A. Building (mounted) signs shall include the following:

- (1) Wall signs. No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade or extend out more than twelve (12) inches from the building wall on which it is affixed. If the wall sign projects less than four (4) inches from the building wall on which it is affixed, the eight-foot height requirement need not be met.
- (2) Canopy or awning signs.
 - (a) A canopy or awning without lettering or other advertising shall not be regulated as a sign.
 - (b) Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
 - (c) No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
 - (d) Sign Placement.
 - [i] Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
 - [ii] Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
 - (e) Sign Height. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
 - (f) No ground-floor awning or canopy may project into a street right-of-way.
 - (g) Awnings or canopies above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
 - (h) Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.
- (3) Projecting signs.
 - (a) No portion of a projecting sign shall project more than four (4) feet from the face of the building.

- (b) The outermost portion of a projecting sign shall not project into the right-of-way or no closer than five (5) feet from a curb line or shoulder of a public street, whichever is greater.
 - (c) Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.
- (4) Window signs. Incidental window signs displaying pertinent business information such as the business' hours of operation and credit cards accepted, shall be excluded from area calculations for window signs.
- (5) Marquee signs.
- (a) Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.
 - (b) No marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.
 - (c) No marquee shall extend into the right-of-way or closer to the curb than three (3) feet, whichever is greater.
 - (d) Sign Height.
 - [i] No portion of a marquee sign shall extend vertically above the eave line.
 - [ii] The lowest edge of the marquee sign shall be at least eight (8) feet above the finished grade.

B. Freestanding signs.

- (1) The clearance or lowest edge of any freestanding pole sign shall be either less than four (4) feet or greater than eight (8) feet above the ground.
- (2) Freestanding monument signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
- (3) Sign Placement.
 - (a) All freestanding signs shall be set back ten (10) feet from the right-of-way or the height of the sign, whichever is greater, except for official traffic signs and government/regulatory signs.
 - (b) No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed.
- (4) Freestanding signs may have changeable copy. However, if the copy is digital or electronic, the regulations for Electronic Message Center in §27-2305.C, pertain.

- (5) Freestanding signs shall include the street number and/or address of the property for which it advertises, at a minimum lettering height of four inches.

C. Electronic message center sign.

- (1) Electronic message center signs are permitted in the form of freestanding and wall signs or incorporated as a portion of a freestanding or wall sign. If used as a wall sign they shall be included in the total permitted sign area. Electronic message centers are permitted instead of and shall not be permitted in addition to a freestanding or wall sign on a property.
- (2) Only (1) message center sign is permitted per property, regardless of the number of street frontages.
- (3) Audio speakers and/or any form of pyrotechnics are prohibited.
- (4) Any portion of the message must have a minimum duration of eight (8) seconds and must be a static display. Messages must change immediately. No portion of the message may flash, scroll, twirl, twinkle, oscillate, rotate, blink, change color, or in any manner imitate movement.
- (5) Time and Temperature shall be included, as a separate message(s).
- (6) The illumination and/or intensity of the display shall be controlled so as to not create glare, hazards or nuisances. The brightness of the digital sign shall not exceed 0.3 foot-candles of light above the normal ambient light levels. Such signs shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
 - (a) The luminance specification shall be determined by a foot-candle metering device held at a height of 5 ft. and aimed towards the sign from a distance of 65 feet.
 - (b) The metering device should be at a location perpendicular to the sign's center (as seen in plan view) as this angle has the highest luminance.
 - (c) This check shall include the measurement of an all white image displayed by the sign to evaluate the worst case condition.
 - (d) If the difference in luminance between the sign-on and the sign-off conditions is 0.3 fc or less, then the sign luminance is in compliance.
- (7) All signs must be equipped with a properly functioning default mechanism that will stop the sign and return to a solid black display should a malfunction occur.
- (8) Applicant shall be required to coordinate/permit message access for local, regional, state and national emergency services during emergency situations. Emergency messages are not required to conform to message standards listed herein.
- (9) The size of the display fits within the permitted square footage;

- D. Street Pole Banners. Street pole banners that comply with the regulations of this section shall not be included in the determination of the type, number or area of signs allowed on a property.
- (1) Illuminations of any street pole banner is prohibited.
 - (2) Area: Each street pole banner shall have a maximum area of 12.5 square feet and a maximum width of up to three (3) feet.
 - (3) Number: Up to two (2) street pole banners are permitted per street pole.
 - (4) Height
 - [a] When the street pole banner's edge is less than 18" from the curb, the lowest edge of the street pole banner shall be 14 feet above the finished grade.
 - [b] When the street pole banner's edge is greater than 18" from the curb, the lowest edge of the street pole banner shall be at least eight (8) feet above the finished grade.
 - (5) Location
 - [a] No street pole banner shall extend beyond the curb line.
 - [b] Street pole banners shall maintain a minimum of three (3) foot vertical clearance below any luminaries located on the pole measured from where the ballast connects to the pole.
 - [c] Street pole banners shall not interfere with the visibility of signals or signs
 - [d] No street pole banner shall be located on a pole that has traffic or pedestrian control signals.
 - (6) Installation and Maintenance
 - [a] All street pole banners must be made of lightweight and durable fabric with wind slits.
 - [b] Street pole banners that are frayed, torn, or faded so that they are no longer legible will be deemed unmaintained and will be required to be removed.
 - (7) Permit Requirements
 - [a] Applications for permits must contain the following:
 - [1] A diagram or map of the specific poles to be used for street pole banner installation and the streets on which the poles are located.
 - [2] A proof of the street pole banner design, including banner's dimensions.
 - [3] If brackets are to be installed, specification for the brackets installation system.
 - [4] Written consent from the owner of the pole to be used for a street pole banner that such sign is permitted to be installed.

- E. Temporary construction signs related to active construction projects. Such signs that comply with the regulations of this section shall not be included in the determination of the type, number or area of signs allowed on a property.
- (1) One (1) temporary construction sign is permitted per property, unless the property has frontage on more than one street, in which case two (2) temporary construction signs shall be permitted, one on each frontage.
 - (2) Area.
 - [a] For properties less than two (2) acres, the maximum area for temporary constructions signs shall be 6 square feet.
 - [b] Properties larger than two (2) acres shall be permitted a temporary construction sign with a maximum area of 16 square feet.
 - [c] If the property exceeds five (5) acres in size, the area may be increased to twenty-four (24) square feet.
 - (3) Sign Height. Each temporary construction sign shall be limited to eight (8) feet in height.
 - (4) Sign shall be non-illuminated.

§27-2306. Signs in Residential Districts (R-1, R-2, R-3, and R-4)

The following types of signs and no others shall be permitted, contingent upon the securing of a sign permit, except where permits are specifically exempted by this Article. All general sign regulations (§27-2304) and sign-type regulations (§27-2305) are also applicable.

- A. Any exempt sign as defined and regulated in §23-2303.
- B. Signs specific to residential uses shall be permitted subject to the following regulations.
- (1) Permanent sign(s).
 - [a] Number: One (1) sign per street frontage.
 - [b] Area: Maximum area of three (3) square feet for single-family detached dwellings and two (2) square feet for all other residential dwelling types.
 - [c] Height: Maximum height of six (6) feet.
 - (2) Temporary sign(s).
 - [a] Number: One (1) sign per street frontage for single-family detached dwellings and one (1) sign per dwelling unit for all other residential uses.
 - [b] Area: Maximum area of four (4) square feet.

- [c] Height: Maximum height of six (6) feet.
- [d] Sign shall be non-illuminated.
- [e] Such sign shall be permitted to be displayed up to thirty (30) days, not more than three times per calendar year.

C. Residential developments containing more than ten units:

- (1) One (1) freestanding sign per street frontage. Sign may be externally illuminated with a shielded, downward facing light source.
- (2) Area: Each sign shall have a maximum area of 15 sq. ft. per sign face.
- (3) Height: Signs shall have a maximum height of eight (8) feet.

D. Permitted Non-Residential Uses shall be permitted a maximum of one sign per street frontage.

(1) Permanent sign(s).

- [a] Area: Each sign shall have a maximum area of thirty-six (36) square feet per sign face.
- [b] May be either non-illuminated, or externally illuminated with shielded, downward facing lights. Signs for religious, educational, recreational or institutional uses may be internally illuminated.
- [c] Changeable copy signs and electronic message signs are permitted. A maximum of one is permitted per property.
- [d] Height: Signs shall have a maximum height of six (6) feet.

(2) Temporary sign(s).

- [a] Area: Each sign shall have a maximum area of twelve (12) square feet.
- [b] Sign shall be non-illuminated.
- [c] Such sign shall be permitted to be displayed up to thirty (30) days, not more than three times per calendar year.
- [d] Height: Signs shall have a maximum height of six (6) feet.

E. Temporary Construction Signs in accordance with §27-2305.E.

	Residential Districts – R1, R-2, R-3, and R4							
	Single-Family Detached		All Other Residential Uses		Permitted Nonresidential Uses		Residential Developments (more than 10 units)	
	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent
Maximum Area	4 s.f.	3 s.f.	4 s.f. per dwelling unit	2 s.f. per dwelling unit	12 s.f.	36 s.f.	15 s.f.	15 s.f.
Maximum Number	1 per street frontage	1 per street frontage	1 per dwelling	1 per street frontage	1 per street frontage	1 per street frontage	1 per street frontage	1 per street frontage
Duration	30 days, not more than 3 times per year	--	30 days, not more than 3 times per year	--	30 days, not more than 3 times per year	--	30 days, not more than 3 times per year	--
Maximum Height	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft	8 ft	8 ft

§27-2307. Signs in Industrial and Industrial Office Districts (I, I-O).

The following types of signs and no others shall be permitted, contingent upon the securing of a sign permit, except where permits are specifically exempted by this Article:

- A. Any exempt sign as defined and regulated in §27-2303.
- B. Freestanding signs shall be permitted subject to the following regulations.
 - (1) Permanent sign(s).
 - [a] Number: One (1) sign per street access.
 - [b] Area: Each sign shall have a maximum area of forty (40) square feet per sign face.
 - [c] Height: Signs shall have a maximum height of fifteen (15) feet.
 - [d] Illumination: Signs may be internally or externally illuminated. Externally illuminated lights must be shielded and downward facing.
 - (2) Temporary sign(s).
 - [a] Number: One (1) sign per street access.

- [b] Area: Each sign shall have a maximum area of twenty-four (24) square feet.
- [c] Height: Signs shall have a maximum height of fifteen (15) feet. [d] Sign shall be non-illuminated.
- [e] Such sign shall be permitted to be displayed up to thirty (30) days, not more than three times per calendar year.

C. Building signs, including wall signs, canopy signs, projecting signs, and window signs, are permitted subject to the following regulations.

(1) Permanent sign(s).

- [a] Number: No more than a total of three (3) building signs per principal building or tenant. Not more than one (1) of the signs may be a projecting sign and such projecting sign shall not exceed thirty-two (32) square feet.
- [b] Area: The total area of all building signs shall not exceed fifteen percent (15%) of the exterior area of the building wall onto which it is mounted (including window and door area and cornices) of the principal building.
- [c] In addition to the area calculation above, window signs shall not exceed twenty-five percent (25%) of the total window area.
- [d] Height: Signs shall have a maximum height of fifteen (15) feet.

(2) Temporary sign(s).

- [a] Number: One (1) temporary sign per property or tenant is permitted. Two (2) temporary signs are permitted if the property has more than 10,000 square feet of gross floor area.
- [b] Area: Each sign shall have a maximum area of sixteen (16) square feet.
- [c] Height: Signs shall have a maximum height of fifteen (15) ft.
- [d] Sign shall be non-illuminated.
- [e] Such sign shall be permitted to be displayed up to thirty (30) days, not more than three times per calendar year.

D. Electronic message center signs in accordance with **§27-2305.C** or changeable copy signs may be substituted or incorporated as a freestanding or wall sign but no more than one (1) electronic message sign may be utilized on any one property.

E. Street Pole Banner signs in accordance with **§27-2305.D**.

F. Temporary Construction Signs in accordance with **§27-2305.E**.

	All Uses – Freestanding Sign(s)		All Uses – Building Sign(s)	
	Temporary	Permanent	Temporary	Permanent
Maximum Area	24 s.f.	40 s.f.	16 s.f.	15% of the exterior area of the building wall onto which it is mounted (including window and door area and cornices) of the principal building
Maximum Number	1 per street access	1 per street access	1 per property up to 2 if property has greater than 10,000 s.f. of floor area	No more than a total of 3 building signs per principal building
Duration	30 days, not more than 3 times per year	--	30 days, not more than 3 times per year	--
Maximum Height	15feet	15feet	The lowest edge of a building sign shall be at least eight (8) feet above the finished grade, and shall not extend beyond the height of the building.	The lowest edge of a building sign shall be at least eight (8) feet above the finished grade, and shall not extend beyond the height of the building.

§27-2308. Signs in Commercial Districts (C-1, C-2) and Government (GOV)

The following types of signs and no others shall be permitted, contingent upon the securing of a sign permit, except where permits are specifically exempted by this Article:

- A. Any exempt sign as defined and regulated in § 27-2303.
- B. Building signs shall be permitted subject to the following regulations.
 - (1) Permanent sign(s).
 - [a] The total area of all building signs for non-residential uses shall be limited to one and one half (1.5) square feet per linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations. Where the non-residential use is a multitenant establishment, the area of the signs for each establishment is limited to 1.5 square feet per linear foot of building frontage of each individual establishment and is subject to the same maximum size limitations.
 - [b] Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant.

[c] Height: Signs shall have a maximum height equal to the eave line.

(2) Temporary sign(s).

[a] Number: One (1) temporary sign per property or tenant is permitted. Two (2) temporary signs are permitted if the property has more than 10,000 square feet of gross floor area.

[b] Area: Each sign shall have a maximum area of sixteen (16) square feet per sign face.

[c] Height: The lowest edge of a building sign shall be at least eight (8) feet above the finished grade, and shall not extend beyond the height of the building.

[d] Sign shall be non-illuminated.

[e] Such sign shall be permitted to be displayed up to thirty (30) days, not more than three times per calendar year.

C. Freestanding signs for non-residential uses shall be permitted subject to the following regulations (excluding multitenant shopping center use, see **§27-2308.F**).

(1) Permanent sign(s).

[a] Number: One (1) sign per street frontage.

[b] Area: Each sign shall have a maximum area of one hundred fifty (150) square feet.

[c] Height: Signs shall have a maximum height of 15 ft.

[d] Illumination: Signs may be internally illuminated or externally illuminated with shielded, downward facing lights.

(2) Temporary sign(s).

[a] Number: One (1) per property.

[b] Area: Each sign shall have a maximum area of thirty-two (32) square feet.

[c] Height: Signs shall have a maximum height of fifteen (15) ft.

[d] Sign shall be non-illuminated.

[e] Such sign shall be permitted to be displayed up to thirty (30) days, not more than three times per calendar year.

D. Electronic message center signs in accordance with **§27-2305.C** may be substituted for or incorporated as a freestanding or wall sign but no more than one (1) electronic message sign may be utilized on any one property.

- E. Street Pole Banner Signs in accordance with **§27-2305.D.**
- F. Signs for multi-tenant shopping centers with frontage on Arterial streets:
- (1) Number: One (1) permanent freestanding sign shall be permitted (to be shared by all users of the shopping center) along each street frontage abutting the property. One (1) temporary freestanding sign shall be permitted per tenant.
 - (2) Height: The height of a sign with frontage on a Arterial is permitted to be fifteen (15) feet for permanent signs and Fifteen (15) feet for temporary signs.
 - (3) Area: The area of a sign with frontage on a regional arterial street is 200 square feet on any one face for permanent signs and sixteen (16) square feet for temporary signs.
 - (4) Illumination: Permanent signs may be internally illuminated. Temporary signs shall be non-illuminated

G. Temporary Construction Signs in accordance with §27-2305.E

	Commercial and Industrial Districts – C-1, C-2							
	Shopping Center Use – Freestanding Sign(s)		All Other Nonresidential Uses – Freestanding Sign(s)		Shopping Center Use – Building Sign(s)		All Other Nonresidential Uses – Building Sign(s)	
	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent
Maximum Area	16 s.f.	200 s.f.	32 s.f.	150 s.f.	16 s.f.	1.5 s.f. per linear foot of building frontage of each individual establishment and is subject to maximum size limitations	16 s.f.	1.5 s.f. per linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations
Maximum Number	1 per tenant	1 per street frontage	1 per property	1 per street frontage	1 per property up to 2 if property has greater than 10,000 s.f. of floor area	1 per tenant per street frontage (up to 2 per tenant)	1 per property up to 2 if property has greater than 10,000 s.f. of floor area	1 per tenant per street frontage (up to 2 per tenant)
Duration	30 days, not more than 3 times per year	--	30 days, not more than 3 times per year	--	30 days, not more than 3 times per year	--	30 days, not more than 3 times per year	--
Maximum Height	15 feet	15 feet	15 feet	15 feet	The lowest edge of a building sign shall be at least eight (8) feet above the finished grade, and shall not extend beyond the height of the building.	The eave line	The lowest edge of a building sign shall be at least eight (8) feet above the finished grade, and shall not extend beyond the height of the building.	The eave line

§27-2309. Signs in Retirement and Age Qualified Districts (CCRC, CCRC-2, AQC, and RC)

The following types of signs and no others shall be permitted, contingent upon the securing of a sign permit, except where permits are specifically exempted by this Article:

- A. Any exempt sign as defined and regulated in § 27-2303.
- B. Signs specific to residential uses shall be permitted subject to the following regulations.
 - (1) Permanent sign(s).
 - [a] Number: One (1) sign per street frontage.
 - [b] Area: Maximum area of three (3) square feet for single-family detached dwellings and two (2) square feet per dwelling unit for all other residential uses.
 - [c] Height: Maximum height of six (6) feet.
 - [d] Sign shall be non-illuminated.
 - (2) Temporary sign(s).
 - [a] Number: One (1) sign per street frontage for single-family detached dwellings and one (1) sign per dwelling unit for all other residential uses.
 - [b] Area: Maximum area of four (4) square feet.
 - [c] Height: Maximum height of six (6) feet.
 - [d] Sign shall be non-illuminated.
 - [e] Such sign shall be permitted to be displayed up to thirty (30) days, not more than three times per calendar year.
- C. Signs specific to nonresidential uses shall be permitted subject to the following regulations.
 - (1) Permanent sign(s).
 - [a] Number: One (1) sign per street frontage.
 - [b] Area: Maximum area of sixty-four (64) square feet.
 - [c] Height: Building signs shall have a maximum height equal to the eave line. Freestanding signs shall have a maximum height of fifteen (15) feet.
 - [d] Signs may be externally illuminated with shielded, downward facing lights.

(2) Temporary sign(s).

[a] Number: One (1) sign per 200 feet of street frontage.

[b] Area: Maximum area of twelve (12) square feet.

[c] Height: Building signs shall have a maximum height equal to the eave line. Freestanding signs shall have a maximum height of fifteen (15) feet.

[d] Sign shall be non-illuminated.

[e] Such sign shall be permitted to be displayed up to thirty (30) days, not more than three times per calendar year.

D. Temporary Construction Signs in accordance with §27-2305.E.

	Retirement and Age Qualified Districts – CCRC, CCRC-2, AQC, and RC					
	Single-Family Detached		All Other Residential Uses		Nonresidential Uses	
	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent
Maximum Area	4 s.f.	3 s.f.	4 s.f. per dwelling unit	2 s.f. per dwelling unit	12 s.f.	64 s.f.
Maximum Number	1 per street frontage	1 per street frontage	1 per dwelling	1 per street frontage	1 per 200 feet of street frontage	1 per street frontage
Duration	30 days, not more than 3 times per year	--	30 days, not more than 3 times per year	--	30 days, not more than 3 times per year	--
Maximum Height	6 ft	6 ft	6 ft	6 ft	Building sign - the eave line Freestanding sign –15feet	Building sign - the eave line Freestanding sign – 15 feet

§27-2310. Nonconforming signs.

Any sign existing at the time of passage of this chapter that does not conform in use, location, height or size with the regulations contained herein shall be considered nonconforming and may continue in such use, in its present location, until the sign is considered abandoned or replacement or rebuilding of the sign becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with this chapter.

§27-2311. Removal of unlawful, unsafe, or abandoned signs.

The following provisions shall apply in all districts:

A. Unsafe or Unlawful Signs

- (1) Upon written notice by Warminster Township, the owner, person, or firm maintaining a sign shall remove any sign which meets one or more of the following:
 - (a) becomes unsafe;
 - (b) is in danger of falling;
 - (c) becomes deteriorated so that it no longer serves the purpose of communication;
 - (d) determined to be a nuisance by the Township; or
 - (e) has been unlawfully erected in violation of any of the provisions contained in this Article.
- (2) Warminster Township may remove or cause to be removed, the sign, at the expense of the owner and/or lessee in the event the owner or the person or firm maintaining the sign has not complied with the terms of the notice. Permanent signs shall be removed or remedied within thirty (30) days of the date of the notice. Temporary signs shall be removed within five business (5) days of the date of the notice. In the event of immediate danger, the Township may remove the sign immediately upon issuance of notice.

B. Abandoned Signs

- (1) It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within ninety (90) days of the sign becoming abandoned as defined in this Article. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.
- (2) Where the owner of the property on which an abandoned sign is located fails to remove such sign in ninety (90) days, Warminster Township may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, Warminster Township may file a lien upon the property for the purpose of recovering all reasonable costs associated with removal of the sign.

Part 24

Nonconformities

§ 27-2400 Continuation. [Ord. 689, 9/10/2009]

The lawful use of any structure or land existing at the effective date of this chapter may be continued although such use does not conform with the provisions of this chapter, except as otherwise provided in this Part 24. This provision does not apply to any use of land or a structure that is unlawful under this chapter.

1. Nonconformity may apply to any use, structure, animal, or vehicle that was previously permitted. The nonconformity is abandoned upon change of use, death of animal or sale of vehicle and does not apply to replacements.

§ 27-2401 Alteration or extension. [Ord. 689, 9/10/2009]

1. Nonconforming structures. Nonconforming structures may be altered, reconstructed, or enlarged, provided that such alteration, reconstruction or enlargement does not increase the extent of the nonconformity existing on the effective date of this chapter. In the case of a nonconforming structure which is used by a nonconforming use, such alteration, extension, or enlargement shall also meet the requirements of Subsection 3C of this section.
2. Nonconforming lots. Nonconforming lots are subject to the applicable dimensional regulations for the zoning district in which such lots are located.
3. Nonconforming uses. Nonconforming uses shall not be altered, reconstructed, extended or enlarged, except in accordance with the following provisions:
 - A. Such alteration, reconstruction, extension or enlargement shall be permitted only by special exception approved by the Zoning Hearing Board.
 - B. Such alteration, reconstruction, extension or enlargement shall be only upon the same lot as in existence at the date the uses became nonconforming.
 - C. Any increase in volume or area of the nonconforming use shall not exceed an aggregate of more than 25% (of said volume or area) during the life of the nonconformity.

§ 27-2402 Restoration. [Ord. 689, 9/10/2009]

No structure damaged by fire or other natural causes to the extent of more than 60% of the structure shall be repaired, reconstructed or used except in conformity with the regulations of this chapter. Structures with damage to the extent of 60% or less of the structure may be reconstructed, repaired, or used for the same nonconforming use, subject to the following provisions:

- A. The reconstructed structure shall not exceed the height, area, or volume of the damaged structure except as provided in this Part 24.
- B. Reconstruction shall begin within one year from the date of damage and shall be carried on without interruption.

§ 27-2403 Abandonment.
[Ord. 689, 9/10/2009]

Whenever a nonconforming use has been discontinued for a period of one year and such use has been abandoned, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this chapter.

§ 27-2404 Changes to nonconforming uses.
[Ord. 689, 9/10/2009]

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may not be changed to another nonconforming use.

§ 27-2405 Displacement.
[Ord. 689, 9/10/2009]

No nonconforming use shall be extended to displace a nonconforming use.

§ 27-2406 District changes.
[Ord. 689, 9/10/2009]

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses or structures existing therein.

§ 27-2407 Permit requirements.
[Ord. 689, 9/10/2009]

Nonconforming use permits shall be issued by the Zoning Officer for all nonconforming uses existing at the effective date of this chapter. To qualify as a lawful nonconforming use under the terms of this chapter, the owner of a nonconforming use existing at the effective date of this chapter shall apply for a nonconforming use permit within 90 days of the effective date of this chapter.

Part 25

Administration

§ 27-2500 **Zoning Officer; powers and duties.**
[Ord. 689, 9/10/2009]

The provisions of this chapter shall be administered and enforced by the Zoning Officer, who shall be appointed by the Board of Supervisors.

A. Appointment and powers.

- (1) For the administration of this chapter, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed.
- (2) The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
- (3) The Zoning Officer shall administer this chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter.
- (4) The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.
- (5) It shall be the duty of the Zoning Officer and he shall have the power to:
 - (a) Receive, and keep a record of, all applications for zoning permits.
 - (b) Process zoning permit applications.
 - (c) Issue permits only where there is compliance with the provisions of this chapter, with other Township ordinances, and with the laws and regulations of the Commonwealth of Pennsylvania and the United States of America. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits requiring approval by the Board of Supervisors shall be issued only after receipt of approval from the Board of Supervisors.
 - (d) Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action thereon.
 - (e) Following refusal of a permit, receive applications for interpretation of appeals and variances and forward these applications to the Zoning Hearing Board for action thereon.
 - (f) Conduct inspections and surveys to determine compliance or noncompliance with the terms of this chapter.
 - (g) Institute, in the name of the Township, any appropriate actions or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair,

conversion, maintenance or use; to restrain, correct or abate such violation so as to prevent the occupancy or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

- (h) Revoke, by order, a zoning permit issued under a mistake of fact or contrary to the law or the provisions of this chapter.
- (i) Issue enforcement notices to order and require the abatement forthwith or otherwise of a violation of the provisions of this chapter.
- (j) Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be public records.
- (k) Maintain a map or maps showing the current zoning classification of all land in the Township.
- (l) Prepare and maintain a list of nonconforming uses when directed to do so by the Board of Supervisors.
- (m) Upon the request of the Board of Supervisors, the Planning Commission, or the Zoning Hearing Board, present facts, records, or reports to assist such body in making decisions.
- (n) Be available to testify in all proceedings before the Zoning Hearing Board to present facts and information to assist the Zoning Hearing Board in reaching a decision.

§ 27-2501 Enforcement notices.

[Ord. 689, 9/10/2009]

If it appears to the Township that a violation of this chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided by Part 27 of this chapter. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested, in writing, by the owner of record.

§ 27-2502 Zoning permit requirements.

[Ord. 689, 9/10/2009]

Hereafter, no use may be established or changed and no structure shall be erected, constructed, reconstructed, altered or removed and no building used or occupied or changed in use until a zoning permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, alteration or moving of structures, the applicant shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this chapter.

§ 27-2503 Application for zoning permits.

[Ord. 689, 9/10/2009]

1. All applications for zoning permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include two copies of the following information:
 - A. A statement as to the proposed use of the building or land.

- B. A site layout, drawn to scale, showing the location, dimensions, and height of proposed buildings, structures, or uses and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
 - C. The location, dimensions, and arrangements of all open spaces and yards and buffer yards, including methods to be employed for screening.
 - D. 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.
 - E. The dimensions, location, and methods of illumination for signs, if applicable.
 - F. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
 - G. 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.
 - H. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion, or other safety hazards.
 - I. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
 - J. In the case of application for interpretation, variances and special exceptions, the additional information specified in Part 26, Zoning Hearing Board, of this chapter.
 - K. Any other data deemed necessary by the Zoning Officer, Planning Commission or Board of Supervisors to enable them to determine the compliance of the proposed development with the terms of this chapter.
2. No permit for any new use or construction which will involve the on-site disposal of sewage or waste and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the lot shall be issued until a certificate of approval has been issued by the Bucks County Department of Health or any other agency with jurisdiction.

§ 27-2504 Fees.
[Ord. 689, 9/10/2009]

All applications for zoning permits, special exceptions, and interpretation and variance appeals shall, at the time of making application, pay to the Zoning Officer for use of the Township a fee in accordance with a fee schedule adopted by resolution of the Board of Supervisors upon the enactment of this chapter or as such schedule may be amended by resolution of the Board of Supervisors.

§ 27-2505 Time limitation for commencement of work; extensions.
[Ord. 689, 9/10/2009]

Any erection, construction, reconstruction, alteration or moving of the building or other structure, including a sign authorized by a zoning permit, shall be commenced and any change in use of a building

or land authorized by a zoning permit shall be undertaken within one year after the date of issuance of the permit. If not, the permit shall be considered null and void. However, in case of erection or construction of a building, the right to proceed with construction may be extended annually without payment of an additional fee for an aggregate period of not more than three years, provided that the construction pursuant to said permit has commenced within the first one-year period.

§ 27-2506 Conditional uses.

An application for any conditional use as specified in the various Articles of this chapter shall be considered by the Township Board of Supervisors according to the following procedures. Where, in this chapter, additional standards are set forth for a particular use that may be requested for Conditional Use, then the Board shall consider whether the request meets those specific standards in addition to the general standards set forth in this section. The burden of proof shall rest with the applicant.

A. Applicant requirements.

- (1) The application shall be submitted in writing to the Township Planning Commission.
- (2) The application shall include the request for approval of a conditional use and sufficient information to document compliance with the application standards and criteria of this chapter, a tentative sketch plan of the proposed development and any study deemed necessary by the Township Engineer. The applicant shall provide with the application a list of every abutting lot owner on the same street and every abutting lot owner directly across the street from the lot or building in question.
- (3) The Township Planning Commission shall submit one copy of the application to the Bucks County Planning Commission for its advisory review and other copies to agencies and/or technical consultants whose review may be relevant.

B. Public hearing.

- (1) The Board of Supervisors shall schedule a public hearing thereon within 60 days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of this time limit.
- (2) Public notice of the public hearing, stating the time, place and the particular nature of the case to be considered, shall be published twice in a newspaper of general circulation in the Township. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing. The Township Secretary shall notify, by mailing or delivering a notice thereof to the owner, if his residence is known, or the occupier of every abutting lot on the same street and every lot directly across the street from the lot or building in question, provided that failure to give notice shall not invalidate any action taken by the Board.
- (3) The Board of Supervisors shall consider the comments and recommendations of the Township and County Planning Commissions, other advisors and those present at the public hearing prior to deciding to approve or deny the proposed use. In allowing a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this chapter.

C. Standards and criteria. In deciding all applications for conditional uses, the Board of Supervisors shall be guided by the following standards and criteria:

- (1) The proposed use is permitted by conditional use, and it will conform to the applicable regulations of the district in which it is located or any district regulations which may relate to or apply to the use, including but not limited to setbacks, building coverage, open space and buffering.
- (2) The proposed use will conform to the regulations applicable according to use and/or district, including but not limited to regulations contained in Part 22, Off-Street Parking and Loading; Part 23, Signs; and Part 24 Nonconformities.
- (3) Points of vehicular access to the lot are provided at a distance from the intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic.
- (4) The location of the site with respect to the existing public roads giving access to it is such that the safe capacity of the public roads is not exceeded by the estimated traffic attracted or generated by the proposed use, and the traffic generated or attracted is not out of character with the normal traffic using said public roads.
- (5) A determination that the proposed use will not have an unwarranted impact on traffic in the area, either creating significant additional congestion in an area of existing congestion or posing a threat of significant additional congestion where there is a high probability of future congestion. In addition, the Board shall consider whether the proposed use will create any traffic hazard dangerous to the public safety.
- (6) Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other, considering the type, dimension and character of the screening.
- (7) The proposed use does not adversely affect or contradict Warminster Township's Comprehensive Plan.
- (8) The proposed use meets the purpose described in Part 1 of this chapter.
- (9) The proposed use is suitable for the character of the neighborhood and the uses of the surrounding properties.
- (10) The proposed use will not impair an adequate supply of light and air to adjacent property.
- (11) The proposed use will not adversely affect the public health, safety or general welfare.
- (12) The proposed use will not adversely affect transportation or unduly burden water, sewer, school, park or other public facilities
- (13) The proposed use shall not overcrowd land or create undue concentration of population or undue intensity of use.

D. The Board of Supervisors shall render a written decision on the application within 45 days after the last hearing in which the Board considered the application.

- E. Where the Board of Supervisors fails to render a decision within the period required by this section or fails to hold the required hearing within 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.

- F. Approval of any conditional use shall expire one year after the date of approval by the Board of Supervisors or the signing of the development plan, whichever is later, if the applicant fails to obtain a building permit or use and occupancy permit.

Part 26

Zoning Hearing Board

§ 27-2600 **Creation; membership; procedures; organization; compensation.** **[Ord. 689, 9/10/2009]**

1. There is hereby created for the Township a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10901 et seq.
2. The membership of the Board shall consist of five residents of the Township, appointed by resolution by the Board of Supervisors. The terms of office shall be for five years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township. **[Amended by Ord. 737, 1/19/2017]**
3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in this chapter.
5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.
6. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

§ 27-2601 **Hearings.** **[Ord. 689, 9/10/2009]**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer 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 the rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

- B. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- C. The hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decisions or findings by the Board and accept the decision or findings of the hearing officer as final.
- D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations, permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided by the Board for that purpose.
- E. The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. 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.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and, in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- I. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their Solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the lot or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- J. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the

decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within 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 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.

- K. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- L. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

§ 27-2602 Jurisdiction.
[Ord. 689, 9/10/2009]

- 1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§ 10609.1 and 10916.1.
 - B. (Reserved)
 - C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance, or such provisions within a land use ordinance.
 - E. Applications for variances from the terms of this chapter and a flood hazard ordinance, or such provisions within a land use ordinance, pursuant to Section 910.2 of the MPC, 53 P.S. § 10910.2.
 - F. Applications for special exceptions under this chapter or a floodplain or flood hazard ordinance, or such provisions within a land use ordinance, pursuant to Section 912.1 of the MPC, 53 P.S. § 10912.1.
 - G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter.
 - H. Appeals from the Zoning Officer's determination under Section 916.2 of the MPC, 53 P.S. § 10916.2.
 - I. Appeals from the determination of the Zoning Officer or Township Engineer in the

administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§ 10501 et seq., and 10701 et seq.

2. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. All applications for approvals of planned residential developments under Article VII of the MPC, pursuant to the provisions of Section 702 of the MPC, 53 P.S. § 10702.
 - B. All applications pursuant to Section 508 of the MPC, 53 P.S. § 10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. § 10501 et seq.
 - C. Applications for conditional uses under the express provisions of this chapter.
 - D. Applications for curative amendments to this chapter or pursuant to Sections 609.1 and 916.1(a) of the MPC, 53 P.S. §§ 10609.1 and 10916.1(a).
 - E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Section 609 of the MPC, 53 P.S. § 10609.
 - F. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§ 10501 et seq., and 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township Engineer shall be to the Zoning Hearing Board pursuant to this section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission, and all appeals from the decision of the Planning Commission shall be to the court.

**§ 27-2603 Powers and duties regarding interpretation.
[Ord. 689, 9/10/2009]**

Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall decide any questions:

- A. Involving the interpretation of any provisions of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
- B. Where it is alleged there is error in any order, requirements, decision or determination, including any order requiring an alleged violation to stop, cease and desist, made by the Zoning Officer in the enforcement of this chapter.

§ 27-2604 Appeals from the Zoning Officer.

The Board shall hear and decide appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure or lot. These appeals must be filed within 30 days of the date the decision is rendered by the Zoning Officer, and all appeals shall be on forms prescribed by the Zoning Hearing Board, accompanied by the requisite fees. All appeals shall refer to the specific provisions of this chapter involved.

§ 27-2605 Variances.
[Ord. 689, 9/10/2009]

- A. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the appellant. The Board may grant a variance, provided that the following findings are made where relevant in a given case
- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare
 - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter.

§ 27-2606 Special exceptions.

The Board shall hear and decide requests for special exceptions to the terms of this chapter in such cases as are expressly provided for in this chapter. In granting a special exception, the Board may attach such reasonable conditions and safeguards in addition to those expressed in this chapter as it may deem necessary to implement the purpose of this section and this Zoning Ordinance. Where, in this chapter, additional standards are set forth for a particular use that may be requested for a special exception, then the Board shall consider whether the request meets those specific standards in addition to the general standards set forth in this section. In deciding all applications for special exceptions, the Board shall be guided by the following criteria and standards:

- A. The proposed use is one permitted by special exception.
- B. The proposed use is permitted, and it will conform to the applicable regulations of the district in which it is located or any district regulations which may relate to or apply to the use, including but not limited to setbacks, building coverage, open space and buffering.
- C. The proposed use will conform to the regulations applicable according to use and/or district, including but not limited to regulations contained in Part 22, Off-Street Parking and Loading; Part 23, Signs; and Part 24 Nonconformities.
- D. Points of vehicular access to the lot are provided at a distance from the intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic.

- E. The location of the site with respect to the existing public roads giving access to it is such that the safe capacity of the public roads is not exceeded by the estimated traffic attracted or generated by the proposed use, and the traffic generated or attracted is not out of character with the normal traffic using said public roads.
- F. A determination that the proposed use will not have an unwarranted impact on traffic in the area, either creating significant additional congestion in an area of existing congestion or posing a threat of significant additional congestion where there is a high probability of future congestion. In addition, the Board shall consider whether the proposed use will create any traffic hazard dangerous to the public safety.
- G. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other, considering the type, dimension and character of the screening.
- H. The suitability of the property for the proposed use.
- I. The proposed use not adversely affect or contradict Warminster Township's Comprehensive Plan.
- J. The general purpose and intent of Part 1 of this chapter.
- K. The Board will be guided by sound subdivision practice, sound land use planning and the preservation and conservation of natural resources.
- L. The suitability of the proposed use to the character of the neighborhood and the uses of the surrounding properties.
- M. The proposed use will not impair an adequate supply of light and air to adjacent property.
- N. The proposed use will not adversely affect the public health, safety or general welfare.
- O. The proposed use will not adversely affect transportation or unduly burden water, sewer, school, park or other public facilities.
- P. The presence or absence of protestants against the proposed use shall not be dispositive, but the Board may weigh such presence or absence of protestants as evidence of the effect that the proposed use may be deemed to have.
- Q. The proposed use shall not overcrowd land or create undue concentration of population or undue intensity of use.

**§ 27-2607 Challenges to validity of chapter or map.
[Ord. 689, 9/10/2009]**

The Board shall hear challenges to the validity of this chapter or map, except as indicated in the Pennsylvania Municipalities Planning Code, Act 247, Sections 1003 and 1004(1)(b). In all such challenges, the Board shall take evidence and make a record thereon as provided in § 27-2601. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record to the court.

**§ 27-2608 Parties appellant before Board.
[Ord. 689, 9/10/2009]**

Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Board of Supervisors pursuant to the Pennsylvania Municipalities Code) or procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; or from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; or from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter; or from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board, in writing, by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance and for a special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

**§ 27-2609 Time limitations for filing proceedings.
[Ord. 689, 9/10/2009]**

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by the Township if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative approval.
2. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

**§ 27-2610 Stay of proceedings.
[Ord. 689, 9/10/2009]**

1. Upon the filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.
2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for

a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

§ 27-2611 Fees.

[Ord. 689, 9/10/2009]

The applicant for any hearing before the Zoning Hearing Board shall, at the time of making application, pay to the Zoning Officer, for the use of the Township, a fee in accordance with a fee schedule adopted by resolution of the Township Supervisors upon enactment of this chapter or as such schedule may be amended from time to time.

§ 27-2612 Expiration of special permits, exceptions, and variances

Unless otherwise specified by the Board, a permit, special exception or variance shall expire if the applicant fails to obtain a building permit or a use and occupancy permit, as the case may be, within 18 months from the date of granting thereof. Further, within 18 months from the date of issuance of a building permit or a use and occupancy permit by the Zoning Officer or the granting of a permit, special exception or variance by the Board, substantial construction of the proposed building, addition or alteration or such other activity as was contemplated or appropriate under the permit or order of the Board must be completed or taken; otherwise, said permit, special exception or variance shall expire and the land or building which was the subject of the permit issued by the Zoning Officer by the order of the Board shall revert to its former status.

Part 27

Enforcement

§ 27-2700 **Enforcement notice.** [Ord. 689, 9/10/2009]

1. If it appears to the Township that a violation of this chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided herein.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Township intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§ 27-2701 **Causes of action.** [Ord. 689, 9/10/2009]

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

§ 27-2702 **Violations and penalties.** [Ord. 689, 9/10/2009]

1. Any person, partnership or corporation who or which has violated or permitted the violation of the

provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the 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 day following the date of the determination of a violation by the Magisterial District Judge, and, thereafter, each day that a violation continues shall constitute a separate violation.

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Magisterial District Judges shall have initial jurisdiction over proceedings brought under this section.

§ 27-2703 Cumulative remedies.
[Ord. 737, 1/19/2017]

All remedies in this chapter and provided in the Municipalities Planning Code shall be cumulative.

Part 28

Amendments

§ 27-2800 Procedure for zoning amendments.
[Ord. 689, 9/10/2009]

1. The Board of Supervisors may amend, supplement, or repeal any of the regulations and provisions of this chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in Section 607 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10607, shall be followed.
2. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township, at points deemed sufficient by the Township, along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. All other posting and notification requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10607, shall be met.
3. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
5. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the county planning agency for recommendations.
6. Within 30 days after enactment, a copy of the amendment to this chapter shall be forwarded to the county planning agency.

§ 27-2801 Procedure for landowner curative amendments.
[Ord. 689, 9/10/2009]

1. A landowner who desires to challenge on substantive grounds the validity of this chapter or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. § 10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in Section 609, and notice of the hearing thereon shall be given as provided in Sections 610 and 916.1 of the MPC, 53 P.S. §§ 10609, 10610 and 10916.1.
2. The hearing shall be conducted in accordance with Section 908 of the MPC, 53 P.S. § 10908, and all references therein to the Zoning Hearing Board shall, for purposes of this section, be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment

brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this chapter or Zoning Map;
 - C. The suitability of the lot for the intensity of use proposed by the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - D. The impact of the proposed use on the lot's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

**§ 27-2802 Procedure for Township curative amendments.
[Ord. 689, 9/10/2009]**

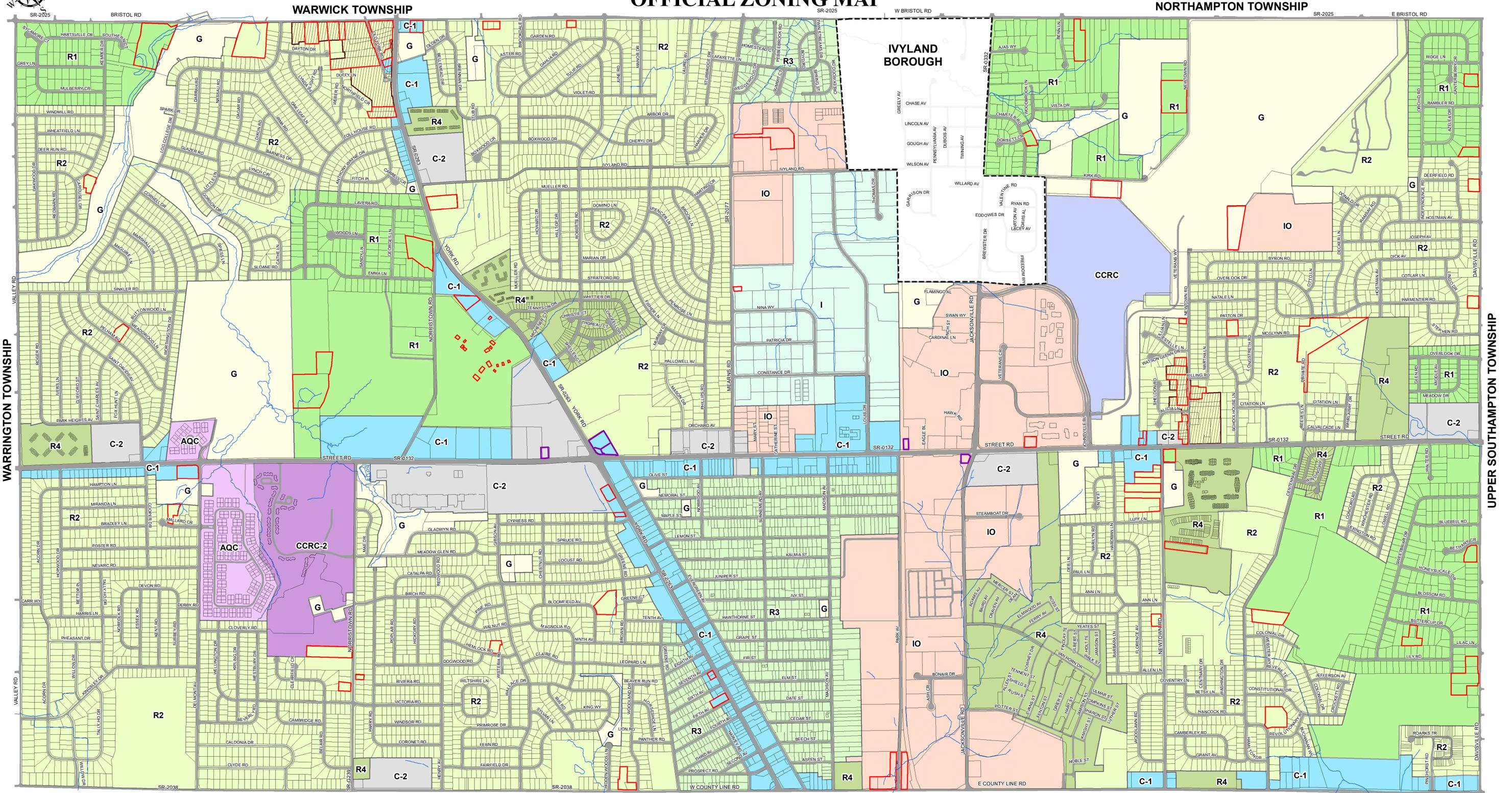
1. If the Township determines that this chapter, or any portion hereof, is substantially invalid, it shall take the following actions:
 - A. The Township shall declare, by formal action, this chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days of such declaration and proposal, the Board of Supervisors shall:
 - (1) By resolution, make specific findings setting forth the declared invalidity of this chapter, which may include:
 - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (b) Reference to a class of use or uses which requires revision; or
 - (c) Reference to this entire chapter, which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to this chapter to correct the declared invalidity.
2. Within 180 days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this chapter pursuant to the provisions of Section 609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. § 10609, in

order to cure the declared invalidity of this chapter.

3. Upon the initiation of the procedures as set forth in Subsection 1, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the MPC, 53 P.S. § 10609.1, nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the MPC, 53 P.S. § 10909.1 or 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by Subsection 1A. Upon completion of the procedures set forth in Subsections 1 and 2, no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the MPC, 53 P.S. §§ 10609.1 and 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this chapter for which there has been a curative amendment pursuant to this section.
4. The Township, having utilized the procedures set forth in this section, may not again utilize said procedure for a period of 36 months following the date of enactment of a curative amendment, or reaffirmation of the validity of this chapter; provided, however, if, after the date of declaration and proposal, there is a substantially new duty imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this section to propose a curative amendment to this chapter to fulfill said duty or obligation.

EXHIBIT B

WARMINSTER TOWNSHIP OFFICIAL ZONING MAP



Legend

- Historic Properties
- Historic Overlay District
- OPAS- Off-Premises Advertising Sign Overlay District

Zoning Districts

- C-1- Commercial District
- C-2- Commercial District
- IO- Industrial/ Office District
- I- Heavy Industrial District
- G- Government Use District
- R1- Residential District
- R2- Residential District
- R3- Residential District
- R4- Residential District
- AQC- Age Qualified Community District
- CCRC- Continuing Care Retirement Community
- CCRC-2- Continuing Care Retirement Community



WARMINSTER TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

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February 2020

Scale: 1" = 700'