

Chapter 350. Zoning

Article XIV. LI Limited Industrial District

§ 350-105. Use regulations.

[Amended 9-22-1986 by Ord. No. 164; 11-26-1990 by Ord. No. 218; 11-25-1996 by Ord. No. 272; 7-10-2000 by Ord. No. 307]

A building or structure may be constructed or altered and occupied and/or land may be occupied for the following uses, subject to compliance with the conditions contained in §§ **350-106** through **350-117** of this article:

- A. Except for solid waste management facilities, which are permitted by conditional use under § **350-121**, any use not permitted in at least one other zoning district under this chapter, except that landfills, quarries, junkyards and adult uses shall be expressly prohibited.
[Amended 10-1-2007 by Ord. No. 411]
- B. Any use except single-family detached dwelling permitted in a Retail Office District, provided there is compliance with all requirements (including the requirement of special exception where applicable) and regulations set forth in Article XIII of this chapter.
[Amended 10-19-2009 by Ord. No. 438]
- C. Solid waste management facility when permitted by conditional use applying the criteria and requirements set forth in § **350-121** of this article.
- D. Mobile home parks, when permitted by conditional use in accordance with criteria set forth in § **350-122** of this article.
- E. Class One, Class Two and Class Three institutional uses when authorized as a special exception in accordance with requirements of § **350-30**.

§ 350-106. Smoke.

- A. No smoke shall be emitted from any chimney or other source a visible grey greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines.
- B. Smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than four minutes in any 30 minutes.
- C. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color, but with an equivalent apparent opacity.

§ 350-107. Dust and dirt, fly ash and fumes, vapors and gases.

- A. No emission shall be made which can cause any damage to health, to animals or vegetation or other forms of property, or which can cause any excessive soiling at any point.

- B. No emission of liquid or solid particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air.

§ 350-108. Noise.

[Amended 10-19-2009 by Ord. No. 438]

At no point on the boundary of a residential or retail office district shall the sound pressure level of any operation exceed the described levels in the designated octave bands shown below for the districts indicated:

Octave Band in Cycles per Second	SOUND LEVELS	
	Along Residential District Boundaries - Maximum Permitted Sound Level in Decibels	At Any Other Point on the Lot Boundary - Maximum Permitted Sound Level in Decibels
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	62	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	32	39
Above 4,800	32	39

§ 350-109. Odors.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive along a lot boundary line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system shall fail. There is hereby established as a guide in determining such quantities of offensive odors Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual," copyright 1951, by Manufacturing Chemists Association, Inc., Washington D.C.

§ 350-110. Glare or heat.

Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.

§ 350-111. Vibration.

No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

§ 350-112. Radioactivity or electrical disturbances.

There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbances.

§ 350-113. Outdoor storage and waste disposal.

- A. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
- B. All outdoor storage facilities for fuel raw materials and products and all fuel; and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties.
- C. 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.
- D. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

§ 350-114. Electric, diesel, gas or other power.

Every use requiring power shall be so operated that the service lines, substations, etc., shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, shall be so constructed, installed, etc., to be an integral part of the architectural features of the plant, or if visible from abutting residential properties shall be concealed by coniferous planting.

§ 350-115. Industrial waste or sewage.

No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste treatment and disposal except as shall be approved by sanitary engineers or other qualified persons employed by the Township at the expense of the owner of the premises. Where the sanitary sewers of the Upper Pottsgrove Township Municipal Authority are involved, approval of the Authority Board shall be required.

§ 350-116. Provision and use of water.

All water requirements shall be stated in the application. Water shall be supplied from wells only after approved or accepted geologic study furnished by the applicant and certification by a professional geologist that the underground water supply and levels will not be appreciably altered in such a way as to endanger the water level and supply for other properties.

§ 350-117. Area, width and yard regulations.

- A. Lot area and width. No individual lot will be less than one acre with a minimum width of 150 feet frontage on a public road.
- B. Front yard. The required minimum front yard shall be 50 feet in depth measured from the ultimate right-of-way line.
- C. Side yards. There shall be two side yards each of which shall not be less than 30 feet in width, subject to the exceptions hereinafter set forth in § 350-118 of this article.
- D. Rear yards. The required minimum depth of a rear yard shall be 40 feet, subject to the exceptions hereinafter set forth in § 350-118 of this article and except where a lot abuts railroad trackage.
- E. Building coverage. Not more than 50% of the total lot area may be occupied by buildings.
- F. Maximum size per use.
[Added 10-1-2007 by Ord. No. 411]

- (1) Commercial: 15,000 square feet.
- (2) Shopping center: 300,000 square feet with individual uses to 150,000 square feet (when part of a municipally prepared and adopted specific plan). The specific plan must be reviewed and approved by a majority vote of the Regional Planning Committee.

§ 350-118. Exceptions for side and rear yards.

In no case shall any building or structure be erected closer than 100 feet to any residence district nor any parking area closer than 50 feet from the property line shall be devoted to buffer areas to be maintained as green areas covered by well maintained lawns, evergreens and suitable tree and shrub plantings.

§ 350-119. Height restrictions.

The maximum height of any building or structure erected or enlarged in this district shall be 45 feet except that the height of any such other building or other structures may be increased to a maximum of 60 feet or such increased height as may be warranted when approved by the Zoning Hearing Board for such structures as water towers, chimneys, stacks, radio antennae and transmission towers, provided that for every foot of height in excess of 35 feet there shall be added to each yard requirement one foot.

§ 350-120. Parking, loading and sign requirements.

Each use shall be subject to the sign and off-street parking and loading requirements of Articles X and XVII of this chapter.

§ 350-121. Solid waste management facility conditional use criteria and requirements.

[Amended 9-22-1986 by Ord. No. 164; 11-26-1990 by Ord. No. 218; 3-8-1993 by Ord. No. 243]

Except as otherwise specifically provided in this section, a solid waste management facility shall be permitted as a conditional use under § 350-105 of this article by the Board of Commissioners only if the application and the use proposed thereby comply with all applicable requirements set forth in this chapter and any other ordinance of Upper Pottsgrove Township, and specifically with this article and, in addition, with the following requirements:

- A. The applicant shall pay at the time of submission of the conditional use application an application fee as established by the Board of Commissioners for conditional uses and shall deposit an amount equal to 5% of the estimated construction cost of the proposed facility, the minimum deposit being an amount as established, from time to time by resolution of the Board of Commissioners and the maximum deposit being an amount as established from time to time by resolution of the Board of Commissioners, to be applied to the legal and engineering costs to the Township for review of the application and for preparation of studies and agreements in connection therewith and for inspection and enforcement costs incurred during construction or prior to commencement of lawful occupancy and/or operation thereof. A refund of the excess of the deposit over such costs will be made to the applicant.
- B. The following conditions may be imposed by the Board of Commissioners as conditions of approval of any solid waste management facility at the discretion of the Board:
 - (1) The applicant may be required to pay a user fee fixed by the Board to the Township in an amount based upon the quantity of solid waste processed at the solid waste management facility. Such user fee may be subject to adjustment from time to time by reference to the Consumer Price Index U.S. All Items as compiled by the United States Department of Labor, Bureau of Labor Statistics, or similar index.
 - (2) The applicant may be required to permit access to its operational and financial records for the purpose of periodic review by a Governmental Advisory Board consisting of five Commissioners of Upper

Pottsgrove Township, one member appointed by the Board of Commissioners of Upper Pottsgrove Township, and two members appointed by Montgomery County. The applicant may be required to offer unconditionally to purchase all present properties with residential buildings located within 500 feet of the boundary line of the tract on which the sanitary landfill and/or solid waste management facility is proposed. The offer to purchase such properties with residential buildings shall include the residential structures, together with the minimum lot size permitted by this chapter for a single-family detached residence. To determine the amount to be offered to each property owner, a panel of three qualified appraisers shall be retained. One appraiser shall be selected by the owner of the property in question, and a second appraiser selected by the applicant for conditional use approval. The two appraisers so selected shall together select a third appraiser. The reasonable cost of the appraisals shall be paid by the applicant. The applicant may be required to offer unconditionally an amount equal to the mean appraised value of the property based on the three appraisal reports, plus 25% of such mean value with settlement within 90 days. The value shall be determined as the value existed immediately preceding the application and as unaffected by it.

- (3) The applicant at its expense may be required to improve the road network to Route 100 in accordance with a plan approved by the Township. Reference shall be made to Subsection H of this section.
- C. The applicant shall provide satisfactory documentation to indicate that the proposed application has been approved by Montgomery County as consistent with its Municipal Waste Management Plan.
 - D. The applicant shall comply with all applicable federal and state regulations.
 - E. Dimensional standards.
 - (1) Minimum lot size for sanitary landfill (exclusive of existing rights-of-way of public roads): 25 acres.
 - (2) Minimum lot size for solid waste management facility other than sanitary landfill (exclusive of existing right-of-way of public roads): 10 acres.
 - F. A solid waste management facility for municipal waste shall not allow dumping, burying, depositing, storing, incinerating, treating or disposition of solid waste other than municipal waste as defined in the Solid Waste Management Act (Act of July 7, 1980, P.L. 380, 35 P.S. § 6018.101 et seq.) enacted by the Commonwealth of Pennsylvania, as amended to the date of this chapter, and the ash, residue, reject material and other material generated from such municipal waste. A solid waste management facility permitted as a conditional use hereunder shall not dispose of any ash, residue, reject material and other material generated from such municipal waste at a landfill within Upper Pottsgrove Township unless such landfill conforms to the criteria and requirements set forth in this section and accepts such waste from the solid waste management facility exclusively and no other waste.
 - G. Vehicular access.
 - (1) Any Township road used to provide access to a solid waste management facility shall be paved and maintained in good condition in accordance with the standards of Pennsylvania Department of Transportation relating to the type of heavy truck traffic resulting from such facility.
 - (2) The Board of Commissioners may designate safe and adequate access roads and prohibit the use of other roads, except for local trash collection purposes.
 - (3) The minimum paved cartway for access roads shall be 24 feet, with four-foot-wide improved shoulders on both sides.
 - (4) The costs of upgrading and maintaining access roads to the solid waste management facility shall be paid by the solid waste management facility operation in a manner suitable to the Commissioners.
 - H. The site shall be fenced and secured by gates which can be locked. The fence shall be at least eight feet in height with permanent posts set in concrete. In addition, appropriate precautions shall be taken to prevent

waste from escaping the site because of wind or otherwise. Fencing, walls, and other enclosures may be required for this purpose. Any such escaping waste shall be collected daily and properly disposed.

- I. The solid waste management facility site shall be graded and provided with appropriate drainage facilities to prevent runoff, prevent erosion, and to prevent collection of stagnant water.
- J. There shall be no dumping, depositing, storage, incineration, treatment or disposition of waste within 200 feet of any public road or any property line of the solid waste management facility and reasonable visual screening composed of trees and so forth shall be provided before commencement of operations and maintained thereafter. Such visual screening shall include evergreen trees in a solid double row 10 feet apart with a minimum height of nine feet and, in addition, shade trees with a two inch caliper, and a minimum height of nine feet in a number equivalent to one tree for every 50 linear feet of buffer. In addition, there shall be no dumping, depositing, storage, incineration, treatment or disposition of waste within 500 feet of any dwelling, church, school or other occupied building.
- K. The highest elevation of a landfill shall not exceed 35 feet above the highest point of natural elevation within the landfill area of the site before the disposal operation began. Final grading of the landfill area shall be done in a manner which leaves the site useful. New landscaping shall be planted to protect against erosion and improve the appearance of the land after final grading.
- L. Permanent buildings shall be constructed on the site to house equipment other than motor vehicles when not in use.
- M. All buildings shall be equipped with fire and smoke detection and extinguishing facilities in accordance with regulations of the Pennsylvania Department of Labor and Industry, the National Fire Protection Association, and/or other more stringent regulations.
- N. An on-site permanent platform scale capable of weighing 100 tons shall be used to weigh all solid waste delivered to the site and complete records indicating type and weight of all solid waste shall be maintained by the operator, which records shall be available for inspection by the Board of Commissioners upon request.
- O. A certified copy of all reports, data, plans and other material and information required to be submitted to the Pennsylvania Department of Environmental Protection also shall be submitted to the Board of Commissioners.
- P. A tire cleaning area consisting of an eight-inch concrete slab 24 feet wide and 100 feet long with drainage catch basins shall be provided on the access road within the solid waste management facility site. The newest type scrubber shall be installed and all tires on all trucks leaving the solid waste management facility shall be cleaned.
- Q. An environmental assessment statement shall be submitted to the Board of Commissioners, and shall include the following:
 - (1) A description of all proposed facilities.
 - (2) A physical description of the environment affected including summary technical data and maps and diagrams adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analysis and data shall be attached as appendices or footnoted with adequate bibliographic references.
 - (3) The interrelationship and cumulative environmental and economic impacts of the proposed solid waste management facility when coupled with other solid waste processing or disposal facilities shall be stated and supported by adequate technical analysis.
 - (4) The sources of data used to identify, quantify or evaluate any and all environmental consequences must be expressly noted.

- (5) The relationship of the proposed solid waste management facility to land use plans, policies and controls for the affected area, including a statement as to how the proposed solid waste management facility may conform or conflict with the objectives and specific terms of existing or proposed federal, state, county or Township land use plans, policies and controls.
 - (6) An analysis of:
 - (a) The primary and secondary effects of the solid waste management facility and its capacity to stimulate or induce changes in patterns of social and/or economic activities.
 - (b) The impact on existing community facilities and activities, changes in natural conditions, etc.
 - (c) The effect on natural and cultural features such as streams, mountains, historic sites, landmarks, principal roads, mine shafts, lakes and towns.
 - (7) Specific data relating to the impact of the solid waste management facility on local vehicular traffic, and designating the routes to be utilized by vehicles seeking access to that proposed facility.
 - (8) Specific data relating to the impact of the solid waste management facility on local water supplies, streams and rivers.
 - (9) Specific data relating to the impact of the solid waste management facility on natural and man-made local storm and sanitary sewage drainage facilities and areas.
 - (10) Specific data relating to the impact of the solid waste management facility on the existing flood hazard areas of the Township, including details of any measures or precautions which may have to be taken order to provide adequate flood control in the Township.
 - (11) A statement of any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, congestion, threats to health or other consequences adverse to the environment). Included for purposes of contrast should be a clear statement of how other avoidable adverse effects will be mitigated.
 - (12) The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. This section shall contain a discussion of the extent to which the proposed action involves short-term environmental gains at the expense of long-term losses, or the converse, and a discussion of the extent to which the proposed action forecloses future options. In this context, the words "short-term" and "long-term" shall be viewed in terms of the environmentally significant consequences of the proposed action.
 - (13) The aesthetic impact of the proposed action including its impact upon visual quality of the surrounding community.
 - (14) An analysis of the success and/or failure of similar projects.
 - (15) A statement of any adverse effects on employment, taxes and property values.
 - (16) A statement of any effects on desirable community growth.
 - (17) A statement describing the location and impact of the project on nearby recreation areas.
 - (18) Such other information as required by the Board of Commissioners, planning agency, Township Engineer, and/or Solicitor.
- R. Contents of application. An application for a conditional use for a solid waste management facility shall be scheduled for hearing within 90 days of the date of filing and shall contain the following:
- (1) A topographical drawing, prepared by a professional engineer, registered in the State of Pennsylvania, to a scale no greater than one inch equals 100 feet, showing:

- (a) Location of site relative to public roads.
 - (b) Owners of adjacent properties.
 - (c) Proposed fencing and improvements.
 - (d) Proposed screening and buffering.
 - (e) Cross-sections showing the existing grades and the proposed grades upon completion and closure.
 - (f) Location of equipment cleaning and tire cleaning areas.
 - (g) Location of weighing scales, fire fighting equipment and all facilities, including buildings.
- (2) The names and current addresses of any and all persons who own any interest, real or equitable, in the real estate which is the subject of the application.
 - (3) The names and current addresses of any and all persons having any ownership interest in any corporations or other business entities which may be set forth in answers to Subsection **R(2)** above, where such persons possess an ownership interest of 10% or more.
 - (4) The names and current addresses of any and all persons having any ownership interest in the operation or proposed operation, maintenance and use of the solid waste management facility in question.
 - (5) The names and current addresses of any and all persons having any ownership interest in any corporations or other business entities as set forth in Subsection **R(4)** above, where such persons possess an ownership interest of 10% or more.
 - (6) The identities and qualifications of personnel designated to manage and operate the proposed facility, together with their intended responsibilities.
 - (7) All requirements of the Pennsylvania Solid Waste Management Act and regulations and standards of the Department of Environmental Protection relating to solid waste processing and disposal systems are incorporated herein by reference, and the applicant shall be required to submit any and all plans, applications, data, materials, studies and information to the Board of Commissioners as is required to be submitted to the Pennsylvania Department of Environmental Protection pursuant to said Act, regulations and standards. All such materials shall be certified by the applicant to be true and correct copies of original materials filed with that Department.
 - (8) Statements indicating expected useful life of the solid waste management facility and the condition and proposed uses of said site upon termination of operation, and any limitations on future uses due to proposed use.
 - (9) An access road survey, which shall include the following:
 - (a) Statements as to the estimated number of vehicles which are expected to use the site on a daily basis during the first two years of operation and as to the estimated weight thereof.
 - (b) A plan indicating all roads anticipated to be used as access roads.
 - (10) Statement of applicant's prior experience, if any, in operating solid waste management facilities.
 - (11) An environmental assessment statement as required by Subsection **Q** of this section.
- S. Permits, inspections, and operations.
- (1) The Board of Commissioners and/or its authorized representatives, from time to time, shall inspect the solid waste management facility and operation to assure continued compliance with this article. The solid waste management operator shall make the site available for inspection when requested to do so.

All inspection expenses shall be borne by the operator. Inspection expenses may include the cost of an accredited analyst to evaluate test results or other experts as deemed necessary.

- (2) For the purposes of this article, the terms "applicant" and "operator" shall be synonymous and shall mean those individuals, authorities, private firms, or others who are responsible for making application(s) to the Board of Commissioners and for operating the solid waste management facilities.
- T. Transfer of permits. No permit issued hereunder may be transferred or assigned unless and until an application is received from the proposed transferee setting forth the information required by Subsection R of this section.
- U. Denial of access to certain vehicles. The operator of any solid waste management facility shall be required to deny access to the facility for a period of 90 days to any person or business entity whose vehicles used in delivering solid waste thereto:
- (1) Do not have loads fully enclosed within the truck body or which are not covered by appropriate covering and restraining devices.
 - (2) Are discovered by the Township to be utilizing routes other than those designated in the operating permit.
 - (3) Transporting waste which the facility is not permitted by DEP to receive.
- V. Cleaning of litter required. The operator of any solid waste management facility shall be required to clean litter each day from all feeder roads utilized by trucks depositing solid waste therein to the boundaries of Upper Pottsgrove Township.
- W. Vector control procedures. Vector control procedures shall be carried out a minimum of twice each week, or more often as required, to prevent health hazards or nuisances. The permittee shall submit a control program for the approval of the Board of Commissioners, including evidence of a contractual agreement for services with an exterminator. The permittee is required to submit proof of extermination to the Board of Commissioners.
- X. Waste remaining at transfer stations. There shall be no solid waste remaining at a transfer station at the end of a working day unless it is stored in containers constructed to be watertight, leakproof, weatherproof and rodentproof. Special provisions shall be made for the transfer of bulky waste (e.g., tree branches and stumps, appliances, etc., junk automobiles, machinery) at the transfer station, otherwise such waste shall be excluded from the provisions stated in Subsection F of this section.
- Y. Emergency operation plans; storage of material. All solid waste management facilities shall have a written emergency operational plan to provide for an alternative waste handling system during periods when the facility is inoperative. These plans shall delineate the procedures to be followed in case of equipment breakdown which will require standby equipment, extension of operating hours or diversion of solid waste to other facilities. Solid waste materials shall not be stored at a permitted facility for more than 24 hours before ultimate disposition by transfer, disposal in a landfill, or incineration, except for material to be recycled such as glass, metal, paper, rags and so forth, and material to be processed at an incinerator or resource recovery facility which is stored within the confines of a building in a holding pit or bunker. Under no circumstances shall such pit or bunker be built with a capacity larger than will accommodate or hold a four day supply of material for the incinerator or resource recovery facility.
- Z. Vehicles to originate from transfer-transport facility; load capacity. Fifty percent of all vehicles delivering solid waste generated outside of Upper Pottsgrove Township shall originate from a transfer-transport facility permitted by the Pennsylvania Department of Environmental Protection and shall have a load capacity of not less than 40 cubic yards.
- AA. Design capacity. No incinerator or resource recovery facility shall have a design capacity greater than 500 tons in a twenty-four-hour period.

- BB. Sign. A sign shall be erected and maintained having a size of at least eight feet by eight feet and located at least five feet above ground visible to traffic indicating the name and address of owners and operators and federal and state permit numbers and operating hours.
- CC. Insurance. The operator of a solid waste management facility shall maintain insurance coverage including coverage for liability for pollution in an amount satisfactory to the Board of Commissioners and shall provide a copy of the policy to the Board.
- DD. Municipal operation. Sanitary landfills shall not be permitted unless operated by the Township or a municipal authority created by the Township.

§ 350-122. Mobile home park conditional use criteria.

[Added 11-25-1996 by Ord. No. 272]

Mobile home parks shall be permitted by the Board of Commissioners as a conditional use only if the proposed use complies with all applicable requirements under this chapter and any other ordinance of Upper Pottsgrove Township and with the following requirements. The requirements are intended to establish standards of performance for planned mobile home parks to ensure their integration into the community, reflect changes in the technology of home building and land development, and provide for a diversity in housing types and prices. In the event that any requirement of this section is inconsistent with requirements of other provisions of this chapter, other ordinances (including, but not limited to, Chapter **310**, Subdivision and Land Development), and/or statute or other law, the provision which imposes the greater or greatest, as the case may be, restriction shall prevail and control.

A. Permitted uses. Mobile home parks may include the following uses:

- (1) Residential uses. A mobile home park may include singular or double-width mobile homes, single-family detached modular homes or a combination of these, but shall not include travel trailers or motor homes.
- (2) Customary accessory structures shall be permitted on individual lots according to the standards of §§ **350-19** and **350-20** herein.
- (3) Nothing in this section shall be considered to prohibit the rental, sale or resale of a mobile home located on a mobile home stand and connected to all utilities. Similarly, a model or display area is permissible on a temporary basis; provided that models are developed in accordance with all applicable requirements of this chapter and that use of the models for sales or rental promotion ceases when the project is fully developed.

B. General provision.

- (1) The tract of land proposed for mobile home park development shall be held either in single ownership or in other ownership as will be such that the tract will be developed under a single direction in accordance with an approved plan.
- (2) Minimum tract area: 15 acres. In addition, each mobile home tract must have at least 10 acres of developable land that does not contain floodplain, steep slopes, utility easements or wetlands.
- (3) Every area to be used as a mobile home park must be served exclusively by public sewers and public water.
- (4) Road access. Any tract proposed for a mobile home park shall have direct access to a collector or higher classification street, as classified in Chapter **310**, Subdivision and Land Development. The Board of Commissioners, with the input of the Township Engineer, shall ensure the street onto which the mobile home park takes access to be capable of accommodating the transport of mobile homes.
- (5) Sites proposed for a mobile home park shall, in the opinion of the Board of Commissioners, be easily accessible to essential community facilities and services, such as employment centers, shopping center,

schools and police and fire protection.

C. Density. Mobile home parks shall be developed at a density not exceeding 4 1/2 dwelling units per developable acre, based on the following: the maximum number of mobile homes permitted on a tract shall be determined by:

- (1) Calculating the developable acreage of the tract in accordance with the definition of "developable acreage" in this chapter; and
- (2) By multiplying the developable acreage so calculated by 4 1/2 units per developable acre.

D. Dimensional standards.

- (1) No mobile home shall be closer than 40 feet from any tract boundary, unless the mobile home lot abuts the boundary of another mobile home park development, in which case this may be reduced to 25 feet with respect to such boundary.
- (2) No mobile home or accessory building may be located closer than 25 feet to the ultimate right-of-way line of any public street, to the edge of the cartway of private interior streets, or to the edge of any pedestrian walkway. However, for the short side of a mobile home, this may be reduced to 15 feet.
- (3) No more than six mobile homes in a row shall have the same setback. Where varied setbacks are used, the difference shall be at least four feet.
- (4) No mobile home or accessory use shall be closer than 25 feet to any common parking area.
- (5) Lot area. All mobile home lots shall have a minimum lot area of 5,000 square feet when on-lot parking is provided, exclusive of the area of any private roadway, public right-of-way or equivalent right-of-way where required for a private roadway. Where common parking is provided, this may be reduced to 4,500 square feet.
- (6) All mobile home lots shall be at least 55 feet wide at the building setback line. Where roofed additions are prohibited or where the applicant can demonstrate that roofed additions would not violate Subsection **D(7)** and **(8)** of this section, the width of the lot may be reduced to 45 feet. All mobile home lots shall have at least 25 feet of frontage along a public street or equivalent right-of-way line or edge of pavement as applicable.
- (7) No mobile home or accessory building shall be located closer than four feet to the side or rear lot line of an individual mobile home lot; provided, however, that all minimum requirements of Subsection **D(9)** of this section must be met; and, provided further, that accessory buildings may be located on the lot line if physically joined to each other with a common wall located on the lot line.
- (8) Mobile homes are encouraged to use the minimum setbacks and to be placed off-center on the lots so as to provide a large, usable open yard space in one section of the lot.
- (9) Mobile homes and roofed structures or areas attached thereto shall be separated from each other, and from other buildings and structures, other than accessory structures, at their closest points by a minimum of 20 feet; provided, however, that whenever two mobile homes have their longest sides parallel or essentially parallel to each other for more than 25% of the length of either, the minimum distance between the mobile homes shall be 30 feet. The sides shall be considered to be essentially parallel if they form an angle of less than 45° when extended to intersect.
- (10) The maximum coverage of any individual mobile home lot by primary and accessory buildings shall be 25%.
- (11) No mobile home shall exceed a height of one story or a maximum of 25 feet.
- (12) In order to allow clustering of lots designed to encourage flexibility in site design and preservation of natural features; and maximum creation of accessibility to recreation areas and distance between

structures, minimum lot width and minimum lot size may be reduced up to a maximum of 10% upon approval of the Board of Commissioners; provided that at least 50% of all lots so reduced shall directly abut common open space for a distance of at least 20 feet. An area equal to that by which each lot is reduced shall be added to the minimum common open space specified in this section.

- E. Common open space. At least 15% of the site area of the mobile home development must be held in common open space, as defined in this chapter. No more than 1/3 of the common open space may be the required buffer area.
- F. Buffers. Landscape screening and buffering shall be provided for all mobile home park developments in compliance with § ~~310-37~~ of Chapter **310**, Subdivision and Land Development.
- G. Registration and administration.
 - (1) Registration. It shall be unlawful to operate a mobile home park within the Township unless it has been registered with the Zoning Officer, who may inspect the premises with reasonable notice.
 - (2) Transfer of registration. Registration is not transferable. The Board of Commissioners shall be notified in writing within 10 days after the sale, transfer, lease or other change in the controlling interest of a mobile home park and the registration shall be renewed following inspection.