

ARTICLE III

USE REGULATIONS

SECTION 300. REGULATION OF USES

Except as provided for by law, no building, structure, land, lot, or premises, shall be used for any purposes other than as permitted in this Ordinance.

SECTION 301. PURPOSE

It is the intent of this Article to provide clear and specific definitions of uses permitted within the various Upper Salford Township Zoning Districts, including design standards for uses permitted in more than one district.

SECTION 302. APPLICABILITY AND INTERPRETATION

- A. When a use is proposed, the Zoning Officer shall determine which use code classification described herein best defines or matches the use being proposed.
- B. When a proposed use does not precisely match a use code classification defined herein, the Zoning Officer shall determine which described use it most closely matches. If the principal use proposed is similar in most respects to a given described use, then the proposed use shall be classified according to the use code established herein.
- C. All uses permitted by right, conditional approval, or special exception shall be subject to use regulations, district regulations regarding lot size, yard widths, building, greenway and impervious coverage, and height regulations, easements, off-street parking requirements, other such general, special, or design regulations, and all other provisions as are specified in this Ordinance.
- D. A building, structure, lot, or premises shall be permitted only one principal use.
- E. A building, structure, lot, premises, or use may not be altered, partitioned or subdivided in any manner for the purpose of creating an additional principal use, or additional accessory use, except as may be provided for in this Ordinance.

SECTION 303. PERMITTED USES

- A. Use by Right. In any given district, a use is permitted by right, provided it is listed as such in the district regulations, provided it can comply with the applicable use regulations stated herein, and provided a use and occupancy permit has been duly issued by Upper Salford Township, as specified in this Ordinance.
- B. Use by Conditional Use Approval. In any district, a use is permitted by Conditional Use Approval, provided it is listed and meets the conditions in the district regulations, and provided it can comply with the applicable use regulations stated herein. In addition, the use is subject to approval or denial by the Board of Supervisors. If approved, the Board of Supervisors may impose further conditions to insure the protection of adjacent uses and the health, safety and general welfare of the residents. Following approval and conditions of the Board of Supervisors, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this Ordinance. See Section 2410 - Conditional Uses.
- C. Use by Special Exception. In any district, a use is permitted by Special Exception, provided it is listed as such in the district regulations, and provided it can comply with the applicable use

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regulations stated herein. In addition, the use is subject to approval or denial by the Township Zoning Hearing board. If approved, the Zoning Hearing Board may impose further conditions to insure the protection of adjacent uses and the health, safety and general welfare of the residents. Following approval and conditions of the Zoning Hearing Board, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this Ordinance. See Section 2409 - Special Exceptions.

D. Accessory Uses Permitted.

- 1. An accessory use is permitted if it is listed as a permitted accessory use in the district use provisions. Accessory uses not listed as such are not permitted.
- 2. Accessory uses, when permitted, are subject to the district regulations, the provisions of the uses regulations established herein, and all other applicable sections of this Ordinance.

SECTION 304. CATEGORIES OF PERMITTED USES

A. Accessory Uses.

1. **Use A-1: Agricultural Accessory Structures.** Such use shall include a detached accessory building or structure for uses customarily incidental to those legally established as the residential or agricultural use of the premises, including greenhouses, silos, barns, and roadside stands.

a. The maximum height of agricultural accessory structures erected or enlarged shall be as follows:

Total Lot Area	Height Permitted
Less Than 2 Acres	14 feet
2 - 5 Acres	20 feet
5 - 10 Acres	25 feet
Greater Than 10 acres	35 feet

b. Agricultural accessory structures erected or enlarged may exceed the standards of Section 305.A.1.a, above, when permitted as a conditional use by the Board of Supervisors consistent with (i), and (ii) below:

- i. The structure shall not be used in conjunction with any home occupational use other than in connection with a permitted agricultural accessory use.
- ii. Such other reasonable conditions and safeguards as may be deemed necessary by the Board of Supervisors to ensure the protection of adjacent uses from adverse impacts that may be determined from credible testimony.

2. **Use A-2: Bed and Breakfast Accommodations:** Bed and breakfast accommodations, as defined in this ordinance, may be operated in single family detached dwellings, subject to the following regulations:

- a. Minimum lot area shall be 80,000 square feet.
- b. The lot for a bed and breakfast use must have access from a Principal Arterial, Minor Arterial, or Major Collector road.

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- c. There shall be no more than 5 guest bedrooms, accommodating no more than 10 guests at any one time; no paying guest shall stay on any one visit for more than 30 days.
 - d. Meal service is limited to two daily meals per paying overnight guest and shall not include the sale of alcoholic beverages. Owners shall comply with all federal, state, and local requirements for the preparation, handling, and serving of food. Meals service is not intended for the general public and shall be limited to paying overnight guests only.
 - e. Owner shall maintain a current guest register, subject to inspection by the Township.
 - f. Each bed and breakfast facility shall be equipped with smoke detectors and fire extinguishers in accordance with the requirements of the Pennsylvania Department of Labor and Industry and with the stipulations of the Township Fire Code. Guest shall be provided with information regarding the floor plan of the building and the location of emergency exits.
 - g. If the facility is served by an on-site sewage system, the owner must obtain written approval from the Township Sewage Enforcement Officer, (the Montgomery County Health Department), confirming the adequacy of the system to serve the increased demand resulting from the facility.
 - h. The rented rooms shall not contain kitchen facilities and shall not constitute separate dwelling units.
3. **Use A-3: Cellular Communications Antennae:** An apparatus, external to or attached to the exterior of a building, or located on the ground, together with any supporting structures for sending or receiving electromagnetic waves:
- a. Purposes.
 - i. To accommodate the need for cellular communications antennae while regulating their location and number in the Township.
 - ii. To minimize adverse visual effects of cellular communications antennae and antenna support structures through proper design, siting and vegetative screening.
 - iii. To avoid potential damage to adjacent properties from antenna support structure failure or falling ice, through engineering and proper siting of antenna support structures.
 - iv. To encourage the joint use of any new antenna support structures, to reduce the number of such structures needed in the future.
 - b. Use Regulations.
 - i. A cell site with antenna that is attached to an existing communications tower, smoke stack, water tower or other tall structure is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing structure by more than fifteen (15) feet. If the antenna is to be mounted on an existing structure, a full site plan shall not be required.

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- ii. A cell site with antenna that is either not mounted on an existing structure, or is more than fifteen (15) feet higher than the structure on which it is mounted, shall be permitted by special exception only in the LI Limited Industrial, LLI Light Limited Industrial and CB Commercial Business Districts.
 - iii. All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the cell site, unless otherwise permitted in the zoning district in which the cell site is located.
- c. Standards for Approval of Special Exceptions.
- i. The cellular communications company shall be required to demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company=s grid system.
 - ii. If the cellular communications carrier proposes to build a tower, as distinguished from mounting the antenna on an existing structure, it shall demonstrate with clear and convincing evidence that it has contacted the owners of all tall structures within the limits of the Township and within a one-quarter mile radius of the site proposed, requesting permission to install the antenna on those structures, and was denied for reasons other than economic reasons. In addition, if the applicant seeks a special exception to construct a tower, it must establish with clear and convincing evidence, in addition to all other requirements of this Ordinance, that its communications grid cannot be modified in any fashion to accommodate an antenna placed on an existing structure located within the Township or within a one-quarter mile radius of the proposed site.
 - iii. For purposes of subsection (a) of this section the term Atall structures≡ shall be construed to include smoke stacks, water towers, tall buildings, antenna support structures (including those of other cellular communications companies, other communications towers, and other tall structures).
 - iv. Any special exception application for the construction of a new tower structure shall be denied if the Zoning Hearing Board shall conclude that the applicant has failed to make a reasonable, good faith effort to mount the antenna on an existing structure or has failed to make a reasonable, good faith effort to modify its communications grid to accommodate the placement of its antenna on another structure.
 - v. When determined appropriate by the Zoning Hearing Board to safeguard the health, safety and welfare of the community, the applicant for a special exception under subsection B hereof shall be required to fabricate its antenna support structure as a Astealth≡ structure so as to shield the visual impact of the structure, unless requested otherwise by the Board of Supervisors for the purpose of accommodating other potential and future carriers proposing to use the structure.
 - vi. When determined appropriate by the Zoning Hearing Board to safeguard the health, safety and welfare of the community, the applicant for a special exception under subsection B hereof shall be required to fabricate its antenna support structure in such manner as to enable the placement of other antennae, including those of other potential carriers and cellular communications companies, on the tower.

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- vii. The applicant for a special exception under subsection B hereof shall be required to provide to the Township Zoning Officer annual certification of ongoing and continued use of any tower constructed in the Township, whether constructed by special exception or of right use, and shall remove or dismantle the tower upon it being abandoned or remaining unused by the applicant for a period of three (3) months or longer, and an exception, provided to the Zoning Hearing Board, a plan for the removal and dismantlement of the tower upon it being abandoned or remaining unused by the applicant, its successors or assigns for a period of three (3) months or longer. The Zoning Hearing Board, as a condition of the grant of a special exception, require the posting of financial security for the removal of the tower, in an amount not to exceed \$10,000, such financial security to be in the form of a letter of credit or cash deposit to be held by the Township in its general accounts, to be released only upon certification by the Zoning Officer that the tower has been satisfactorily removed.
 - viii. The subsequent addition of any antenna by any carrier other than the original applicant, after the granting of a special exception pursuant to this code, shall require the submission of an application for approval of the addition by the Board of Supervisors after review of the application by the Planning Commission. The application shall set forth the manner in which the placement of the antenna shall comply, to the extent applicable, with all requirements contained in this Section 1608.A, and shall be accompanied with such review fees as the Township shall, from time to time set.
- d. Standards for Approval for All Cellular Communications Antennae.
- i. Antenna Height. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than the demonstrated minimum height shall be approved.
 - ii. Setbacks from Base of Antenna Support Structure. If a new antenna structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:
 - a. Thirty (30) percent of antenna height.
 - b. The minimum setback in the underlying zoning district
 - c. Forty (40) feet.
 - iii. Antenna Support Structure Safety. The applicant shall demonstrate to the Hearing Board that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference. All support structures shall be fitted with anticlimbing devices, as approved by the manufacturers.
 - iv. Fencing. Fencing shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be between six (6) and eight (8) feet in height.
 - v. Landscaping. The following landscaping shall be required to screen as much of the

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support structure as possible, the fence surrounding the support structure and any other ground level features (such as a building) and, in general, soften the appearance of the cell site. The Zoning Hearing Board may authorized any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if such features achieve the same degree of screening as required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.

- a. An evergreen screen shall surround the site. The screen may be either a hedge or row of evergreen trees. The planting material shall be spaced (planted on center) a manner that will create a one-hundred (100) percent opaque screen within five (5) years. The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.
 - b. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
 - c. If the requirements of the Township Subdivision and Land Development Ordinance (Chapter 22) require additional buffering or screening, the requirements of such ordinance shall also apply.
- vi. In order to reduce the number of antenna support structures needed in the community in the future, the proposed antenna support structures shall be required to accommodate other users, including other cellular communications companies and local police, fire and ambulance companies.
- vii. The cellular communication company must demonstrate that it is licensed by the Federal Communications Commission.
- viii. Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of attendants on the largest shift.
- ix. Antenna support structures under two hundred (200) feet in height shall be painted silver or have a galvanized finish in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller, or those near airports, shall meet all Federal Aviation Administration regulations. No antenna support structure shall be artificially lighted except as shall be required by the regulations of the Federal Aviation Administration.
- x. Establishment of a cell site shall be regarded as a land development and shall be subject to the requirements of the Upper Salford Township Subdivision and Land Development Ordinance (Chapter 22) with respect to the submission and approval of plans and other requirements. Such plans shall indicate the location of the antenna, antenna support structure, buildings, fencing, buffering, access and all other items required in the Township and Land Development Ordinance (Chapter 22). A plan and land development approval shall not be required if the antenna is to be mounted on an existing structure.
4. **Use A-4: Commercial Vehicles:** The parking of tractor trailers, panel trucks, vans and similar vehicles on lots or parcels, whether containing advertising or not:

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- a. The area on which they are parked cannot be parking spaces required for uses already on the lot.
 - b. Commercial vehicles cannot be parked in any restricted yard setback.
 - c. Commercial vehicles cannot be parked on a public street.
 - d. In addition to the above requirements, commercial vehicles parked on a residential property shall meet the following requirements:
 - i. The minimum lot area shall 10,000 square feet.
 - ii. No more than 2 commercial vehicles shall be permitted on a residential lot, of which only 1 commercial vehicle may have a gross vehicle weight (GVW) greater than 10,000.
 - iii. Commercial vehicles having a GVW greater than 10,000 may not be started or left with the ignition on before 6 a.m. or after 11 p.m., prevailing time.
5. **Use A-5: Domestic Animals:** The keeping of horses or other large animals such as cattle, sheep, or goats, not in conjunction with agriculture, or the keeping or housing of small domestic animals. This use shall not be done in conjunction with any associated commercial activity.
- a. Non-Commercial Kennel. The keeping of small domestic animals in accordance with the following:
 - i. Structures for domesticated household pets shall not be located in any restricted yard setback, and shall in no case be located closer than 10 feet from any property line.
 - ii. On lots smaller than 40,000 square feet, a maximum of 4 domestic animals may be kept, including not more than 3 dogs more than six months old, or 3 cats more than six months old.
 - iii. On lots between 40,000 square feet and 80,000 square feet, a maximum of 6 domestic animals may be kept, including not more than 4 dogs more than six months old, or 4 cats more than six months old.
 - iv. On lots a minimum of 80,000 square feet, a maximum of 7 domestic animals may be kept, including not more than 5 dogs more than six months old, or 5 cats more than six months old.
 - b. The keeping of horses or other large animals such as cattle, sheep, or goats, not in conjunction with agriculture, shall comply with the following standards:
 - i. A minimum lot size of 80,000 square feet shall be required to keep 1 such animal.
 - ii. Any accessory building or structure, excluding fencing, used for the keeping or raising of domestic farm animals shall be situated not less than 100 feet from any property line.
 - iii. One additional animal may be kept for each acre of lot size in excess of 80,000 square feet. Offspring may be kept with the mother(s) as needed according to the

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following time schedule - Horses: 6 months; Cattle: 6 to 8 months; Sheep and Goats: 2 months.

- iv. Fencing for any pasture or area used for the keeping of horses or other large animals shall be set back from the front, rear and side property lines abutting any public street a minimum of ten (10) feet from the ultimate right of way. In addition, such fencing shall be placed a minimum of one hundred (100) feet from any existing residential dwelling on any adjacent property, including residential dwellings separated by public or private roads.
6. **Use A-6: Drive-In Facilities:** A building, design, facility, or structure, or portion thereof, from which a business, product or service is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during the transaction:
 - a. A minimum of six automobile waiting spaces are provided for each drive-in lane.
 - b. These spaces shall not interfere with parking spaces, loading, unloading, or the internal circulation of the site.
 - c. Lots fronting an arterial highway shall provide ingress to the drive-in facility from an aisleway within the interior circulation of the lot.
 7. **Use A-7: Fences and Walls.** Any artificially constructed barrier or structure of any material or combination of materials, erected to enclose or screen areas of land located within the yard requirement of the zoning district:
 - a. No fence or wall shall be erected along or within any of the yards required by this chapter which shall exceed a height of 8 feet in industrial districts, except where required for uses D-2 and D-3.
 - b. A fence or wall erected in any other zoning district shall not exceed 4 feet in the front restricted yard area or 6 feet in the side or rear restricted yard areas (excepting a retaining wall or the wall of a building permitted under the terms of this chapter), unless a special exception is granted by the Zoning Hearing Board.
 - c. A fence or wall may not be erected in, or interfere with the sight triangle for vehicular traffic.
 - d. A fence may not be erected within a floodplain area, swale, or other watercourse system that impedes the flow of stormwater from the site or that of an adjoining property.
 8. **Use A-8: Home Child Day-Care Facilities:** A facility located on any premises or in a dwelling unit other than the child's own home where the child care areas are being used as a family residence, operated for profit or not for profit, in which child day care is provided to children who are not relatives of the caregiver. Includes both family day-care (6 or fewer children) and group day-care (more than 6 children but fewer than 12):
 - a. General Provisions
 - i. Categories Included. The provisions of this section pertain to day care service for children by caregivers in family and group day care homes, subject to regulations of the Pennsylvania Department of Public Welfare (DPW). Day care service for children

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shall include out-of-home child day care service for part of a 24-hour day for children under 16 years of age by caregivers, excluding care provided by relatives. Day care service for children shall not include babysitting or day care furnished in places of worship during religious services.

- ii. **Registration and Licensing.** Family day care homes, as defined in this ordinance, must hold an approved and currently valid DPW registration certificate. Group day care homes, as defined in this ordinance, must hold an approved and currently valid DPW license. In addition, all child day care facilities shall comply with all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space, and any applicable state or township building and fire safety codes.
- iii. **General Safety.** No portion of a child day care facility shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff, and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading areas, etc.
- iv. **Hours of Outside Play.** Outside play shall be limited to the hours between 7:00 a.m. and sunset, as defined by the National Weather Service.
- v. **Outdoor Play Area.** An outdoor play area, as required by DPW regulations, shall be provided for any proposed child day care facility.
 - a. **On-Site Outdoor Play Area.** An on-site outdoor structured play area or areas of high outdoor activity shall be located within yard setback areas which provide adequate separation, safety, and protection from adjoining uses, properties, and roadways. Whenever possible, the on-site outdoor play area shall not be located in the front yard. The outdoor play area should be located immediately adjacent to the child care facility.
 - b. **Off-Site Outdoor Play Area.** In accordance with DPW standards, a child day care facility may utilize off-site play areas in lieu of or as a supplement to an on-site play area. These standards permit the use of off-site play areas which are located within a one-half mile distance of the facility, measured from the property line of the facility. The route to the play area shall not involve the crossing of primary arterial or collector streets. Pedestrian access on sidewalks or improved walkways shall be required.
- vi. **Altering Exterior of Residential Structures.** Any addition or improvement to an existing residential structure or property for purposes of child day care shall preserve its residential character. The scale, bulk, height, and roof pitch of any addition and the building materials used shall be compatible with the existing structure.
- vii. **On-Lot Sewage Disposal.** For properties utilizing an on-lot sewage disposal system, the applicant shall demonstrate that the system is properly sized to accommodate sewage flows from the registered or licensed capacity of the child day care facility.
- b. **Family Day Care Homes.**

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- i. Conditional Use Standards. Family Day Care Homes shall be permitted by conditional use, provided the following additional standards are satisfied.
 - a. Drop-Off Area. One on-site drop-off space for children shall be provided. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway, that is not otherwise occupied or committed, to safely accommodate a parked vehicle. If a driveway is used for the drop-off area and the proposed use fronts a primary arterial, collector, or feeder street, an on-site turnaround area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, an on-site drop off space shall be provided. The drop-off area shall conform to the township dimensional standards for residential parking spaces.
 - b. Fencing. If there are unsafe areas, such as open drainage ditches, wells, holes, heavy street traffic, etc., in or near to an outdoor play area, there shall be fencing to restrict children from these areas. Natural or physical barriers, such as hedgerows, walls, or dense vegetation may be used in place of fencing so long as such barriers functionally restrict children from unsafe areas.
 - c. The hours of operation shall be limited to the hours between 6:30 a.m. and 8:00 p.m.
 - d. The applicant shall demonstrate that the children in the apartment can safely, quickly, and easily vacate the premises in case of emergency.

C. Group Day Care Homes.

- i. Conditional Use Standards. Group Day Care Homes shall be permitted by conditional use only, provided the following additional standards are satisfied.
 - a. Minimum Lot size. 25,000 square feet. The lot shall be subject to the standards of the zoning district in which the facility is located and the additional conditional use standards in this section, whichever are more restrictive.
 - b. Minimum Distance between Facilities.
 1. Residential Zoning Districts. In order to avoid a concentration of individual group day care homes in residential neighborhoods, group day care homes shall be located a minimum of 300 feet from each other as measured from the respective property lines.
 2. Non-Residential Zoning Districts. No minimum distance requirement applies.
 - c. On-Site Parking. There shall be one additional on-site parking space provided for a non-resident employee above the number of spaces required for the residential use.
 - d. Drop-Off Area: A drop-off area shall be provided with sufficient area to allow the temporary parking of two vehicles. An existing driveway may be used for the drop-off area if it can be demonstrated that there is sufficient space

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available in the driveway, that is not otherwise occupied or committed, to safely accommodate two parked vehicles. If a driveway is used for the drop-off area and the proposed use fronts a primary arterial, collector, or feeder street, an on-site turnaround area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, two new on-site drop-off spaces shall be provided.

- e. **Fencing of Outdoor Play Area.** In order to physically contain the activity of children in the outdoor play area, a minimum four foot high fence shall be erected along the perimeter of the outdoor play area. When applicable, the fence shall be located along property lines. Natural or physical barriers, such as hedgerows, walls, or dense vegetation may be used in place of fencing so long as such barriers functionally restrict children from unsafe areas.
9. **Use A-9: Home Occupation.** An activity, occupation, or use that is professional in nature, and clearly customary, incidental, and accessory to the use of the premises as a single family detached dwelling unit, and which does not alter the exterior of the property or affect the residential character of the neighborhood. This use does not include home day care operations:
- a. Home occupations must be conducted entirely within the dwelling or accessory structures.
 - b. Such home occupations shall be conducted solely by resident occupants of the residential dwelling, except that up to one (1) person not a resident of the dwelling may be employed.
 - c. There shall be no use of show windows, displays, or advertising visible on the premises, including marking on vehicles parked by occupants of the premises, except as may be provided for in Article XX (Sign Regulations).
 - d. No more than five hundred (500) square feet of building area may be used for the home occupation.
 - e. The home occupation shall not have any business related exterior storage or display of goods and/or merchandise.
 - f. There shall be no sale of retail goods on the premises.
 - g. The home occupation shall not alter the exterior of the dwelling and accessory structure.
 - h. The accessory home occupation shall not generate more than 5 vehicle trips per day in excess of that which is required for the primary use.
 - i. The operation of a clinic, hospital, restaurant, motel, hotel, animal hospital, mortuary, or any similar use shall not be deemed to be a home occupation.
 - j. There shall be no regular deliveries to or from a home occupation from a vehicle with more than two (2) axles.
 - k. No home occupation shall require trash pick-up in excess of that required normally in single-family residential areas.
 - l. Clients are permitted by appointment between the hours of 8:00 am and 9:00 pm only.
10. **Use A-10: Non-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

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- 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.
11. **Use A-11: Non-Residential Accessory Structure.** Such use shall include a detached accessory building or structure for uses customarily incidental to those permitted in non-residential zoning districts and legally established as the principal use of the premises:
- a. The location of the accessory building shall not violate any district provision or use in which it is located, or any aspect of an approved land development plan. An area already impervious, but not required for parking or other zoning use purposes will not be considered in conflict with an approved development plan.
 - b. A trailer, freezer, or shipping container, whether or not removed from its wheels, may not be used as an accessory building.
 - c. An accessory building or structure may not be located closer than 15 feet from any other building or property line and may not be located within the front yard area.
 - d. An accessory building or structure may not be used to establish a new or unrelated use on the premises.
12. **Use A-12: Outdoor Storage and Waste Disposal.** The outdoor keeping of junk, material, merchandise, commercial vehicles, or any goods in an unroofed or open area, or unenclosed building for more than 24 hours:
- a. All outdoor storage facilities for fuel, flammable or explosive materials and raw materials shall be enclosed by walls which measure a minimum of 6 feet in height in order to shield

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the facilities from the direct view of any adjacent property and to prevent the access of children and other members of the general public.

- b. 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.
 - c. All material 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, sealed containers.
 - d. All outdoor storage and/or waste disposal areas must be located within the building envelope, as created by the yard setback requirements. In addition, no outdoor storage and/or waste disposal area shall be located between the primary building(s) on a site and public streets.
 - e. No dangerous materials or substances, as defined in Section 1606.H, herein, or wastes of any form may be stored in a floodplain area.
 - f. All solid and liquid wastes shall be disposed on a timely basis and in an environmentally safe manner.
13. **Use A-13: Recreational Vehicles.** The temporary or seasonal outdoor storage of boats, campers, motor bikes, and other recreational vehicles in residential zoning districts.
- a. Minimum lot area shall be 10,000 square feet.
 - b. Storage of the recreational vehicle shall not diminish the required on-lot parking spaces.
 - c. Recreational vehicles cannot be parked in any restricted yard setback.
 - d. No such vehicle shall be parked on a public street.
 - e. No more than 2 recreational vehicles not parked in a garage shall be parked outside of the principal building.
14. **Use A-14 Residential Accessory Structure.** A building or structure erected for the private use of the owner or occupant of a single family dwelling unit, which is situated on the same lot as the residence, and used for common household purposes, storage, or vehicular parking. Such use may include, but is not limited to, garages and storage sheds.
- a. The maximum height of a residential accessory structure or any non-agricultural accessory or other accessory use building, 14 feet.
 - b. A detached accessory building or structure may not be erected within the front yard restricted area, public rights-of-way, easements, or stormwater swales.
 - c. A trailer, freezer, or shipping container, whether or not removed from its wheels, may not be used as an accessory building.
 - d. A residential accessory structure shall not be used for commercial use, except in conjunction with a permitted home occupation.

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- e. In the R-2, Rural Residential District, R-30, Residential/Village Commercial District, REC Recreational District and CB Commercial Business District (where residential development is permitted), Residential Accessory Structures not exceeding 170 square feet may be constructed within the required rear yard, provided that the minimum distance from the rear property line to the structure shall not be less than ten (10) feet. In the RA-5, Residential Agricultural District, Residential Accessory Structures not exceeding 170 square feet may be constructed within the required rear yard, provided that the minimum distance from the rear property line to the structure shall not be less than thirty (30) feet.
15. **Use A-15: Roadside Stand:** Either temporary or permanent, for the sale of only such agricultural and home products as are produced on the same lot on which the sale of the products is offered shall be permitted under the following conditions:
- a. A roadside stand erected upon a permanent foundation shall be erected in strict conformity with the regulations of the district wherein it is located, including all yard setbacks.
 - b. A roadside stand without a permanent foundation is considered temporary, and shall be located not less than 20 feet from any street line, and shall be dismantled for a minimum of four consecutive months for every eight consecutive months erected.
 - c. No stand shall be located nearer than 50 feet to any intersection.
 - d. Parking for stopping vehicles shall be provided off the paved portion of the street and shall be of sufficient width so as not to interfere with the safety of traffic stopping or using the street. Parking nearer than 50 feet to an intersection shall not be permitted. No produce, goods, signs, or other impediments shall be placed or located upon the lot in such a manner as to interfere with parking.
16. **Use A-16: Swimming Pool.** A body of water or receptacle for water having a depth at any point greater than 30 inches which is primarily used or intended to be used for swimming or bathing.
- a. A zoning permit shall be required to locate, construct, or maintain a residential swimming pool.
 - b. A swimming pool, filters, pumps and other mechanical equipment shall not be permitted in the front yard and shall conform to the rear and side yard setbacks of the applicable zoning district.
 - c. Swimming pools, whether above or below ground, not removed prior to the first day of November each year shall be considered permanent and are required to meet the zoning district requirements with respect to impervious surface.
 - d. At the time of application for a zoning permit it shall be demonstrated that the drainage, including stormwater runoff, for a pool is adequate and will not interfere with the water supply system, existing sewage facilities, public streets, and shall not drain onto a neighboring property.
 - e. Water contained in swimming pools must be kept healthy and sanitary at all times and shall not emit offensive odor that creates a nuisance or unhealthy condition.
 - f. Abandoned pools must be removed or appropriately filled in and covered under ground.

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- g. The pool shall meet current BOCA regulations or shall be completely enclosed by a fence or wall not less than 4 feet in height, with a self-locking gate as access. In addition, swimming pools equipped with elevated platforms or walkways that are at least 4 feet above the ground need not be fenced if the design prevents access by ladders or steps which can be made inaccessible and locked when not attended or in use.

17. **Use A-17: Tennis/Sports Court.** A recreational playing court accessory to residential properties for the sport or game intended. The court consists of the playing surfaces and any structures designed to contain the playing area surrounding the court:

- a. The outer edge of the playing area, including any fence designed to contain the playing area, may not be located closer than 10 feet from any property line, and may not be located in the front yard restricted area.
- b. A fence containing the playing areas may be as high as 12 feet provided the setback of 10 feet is maintained.
- c. Tennis/Sports courts will be calculated into the impervious restriction on the property.
- d. Residential tennis/sports courts shall conform to the light standards for residential properties in Section 2210.

B. Agricultural Uses.

1. **Use B-1: Forestry:**

- a. Forestry activities, including timber harvesting, shall be permitted in all zoning districts as a permitted use. Forestry shall not be construed to include the operation of a sawmill or any commercial use relating to the sale or distribution of lumber or lumber products, and such activities shall not be permitted except as permitted in the underlying zoning district.
- b. A person or entity proposing to conduct forestry activities shall be required to obtain a zoning permit prior to commencement of any forestry activity. Prior to the issuance of any zoning permit, the applicant shall submit to the Township a Forest and Woodland Maintenance and Management Plan which shall consist of the following components:
 - 1. The name of the applicant and owner(s) of the property
 - 2. Location of subject property, including tax block and unit number
 - 3. A general description of all forestry activities proposed, including the anticipated time frame for completion of all activities
 - 4. The name and address of the party(ies) to perform all work
 - 5. A statement completed by a Certified Arborist or professional forester containing the following information:
 - A. A statement of the qualifications of the arborist or professional forester.
 - B. A general description of all forested or wooded areas on the property or parcels covered by the plan.
 - C. A comprehensive field survey of the forested or wooded areas affected or impacted, including a listing of species and general condition of the trees located in the areas of anticipated or proposed forestry activities, including the construction of any access roads.
 - D. An inventory of all trees to be removed, an inventory of all trees in excess of thirty-six (36") inches in diameter.
 - E. A description of the steps to be taken for the appropriate maintenance and/or preservation of the forested or wooded areas not included in the area of proposed

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- forestry activities.
 - F. A description of all erosion and sedimentation controls or measures required by the proposed forestry activities or construction of access roads.
 - G. A certification that the proposed forestry activities are part of a generally acceptable means of maintenance and management of forested or wooded open space and that the proposed activities constitute a sound and economically viable use of forested lands, as well as a narrative description as to how the activities meet these standards.
6. Once submitted and approved, the Forest and Woodland Management and Maintenance Plan shall be incorporated in the zoning permit and compliance with the approved plan shall be a condition of any permit issued.
 7. Forestry activities in the Floodplain Conservation District (Article XVI), the Steep Slope Conservation Overlay District (Article XVII) and the Riparian Corridor Conservation Overlay District (Article VIII) are prohibited, provided, however that if state law shall be construed by a Court of this Commonwealth as to require that the Township permit such use in these enumerated overlay districts, then such use shall be further regulated by and subject to the requirements within those districts.
- c. Prior to the issuance of any zoning permit, the application shall be submitted to the Planning Commission for review and comment, and for approval by the Board of Supervisors. In reviewing the application, the Planning Commission may recommend and the Board of Supervisors may impose as a condition on any approval of the application, such modifications to the Plan and proposed forestry activities as may be warranted by reference to generally accepted foresting practices. The Planning Commission and Board of Supervisors may retain such professionals as deemed necessary to assist in the review of any application.
 - d. A Forest and Woodland Management and Maintenance Plan shall not be required for forestry activities on lots less than two acres in area, or where the forestry activities involves less than twenty thousand square feet of forest or woodland. When the cumulative area on which forestry activities are undertaken reaches or exceeds two acres, the owner shall be obligated to submit a Forest and Woodland Management and Maintenance Plan prior to the commencement of any additional forestry activities.
2. **Use B-2: General Farming:** A use and related structures on a parcel or lot that is primarily used for soil-dependant cultivation of agricultural crop production and/or the keeping or raising of livestock:
 - a. Minimum lot area: 3 acres.
 - b. Any accessory building or structure, excluding fencing used for the keeping or raising of livestock shall be situated not less than 100 feet from any property line.
 - c. Any building or structure, other than noted in b. Above shall conform with all yard and setback requirements of the applicable zoning district.
 - d. The keeping or raising of livestock on lots between 3 and 10 acres is limited to a per-acre rate as follows:
 - i. 1 head of large stock (horses, cows, etc); offspring may be kept with the mother(s) as needed according to the following time schedule - Horses: 6 months; Cattle: 6 to 8

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months.

- ii. 5 head of medium stock (goats, sheep, etc.); offspring may be kept with mother(s) as needed according to the following schedule - Sheep and Goats: 2 months.
 - iii. 100 head of fowl or other animal of similar size.
 - e. Fencing for any pasture or area used for the keeping of horses or other large animals shall be set back from the front, rear and side property lines a minimum of ten (10) feet from any abutting ultimate right of way to any public street. In addition, such fencing shall be placed a minimum of one hundred (100) feet from any existing residential dwelling on any adjacent property, including residential dwellings separated by public or private roads.
3. **Use B-3: Intensive Agriculture:** Any parcel or structure used for a mushroom house, feedlot, confinement livestock or poultry operation taking place in structures or closed pens:
- a. Minimum lot area: 10 acres.
 - b. Maximum impervious surface: 20 percent.
 - c. Any accessory building or structure, excluding fencing used for the keeping or raising of livestock shall be situated not less than 100 feet from any property line.
 - d. Any building or structure, other than noted in c. above shall conform with all yard and setback requirements of the applicable zoning district.
 - e. Livestock may be kept as part of an intensive agricultural operation without numerical limit, provided they are kept in accordance with applicable state statutes dealing with nutrient management.
 - f. No area for the storage or processing of manure, garbage, or spent mushroom compost or structures for the cultivation of mushrooms shall be situated less than 100 feet from any street or property line.
 - g. Fencing for any pasture or area used for the keeping of horses or other large animals shall be set back from the front, rear and side property lines a minimum of ten (10) feet from any abutting ultimate right of way to any public street. In addition, such fencing shall be placed a minimum of one hundred (100) feet from any existing residential dwelling on any adjacent property, including residential dwellings separated by public or private roads.
4. **Use B-4: Nursery/Greenhouse:** The raising or plants, shrubs and trees for sale and transplantation, either outdoors or in temporary or seasonal greenhouse covering.
- a. Minimum lot area: 2 acres.
 - b. Any building or structure shall be located within yard setback areas for the zoning district in which the use is permitted.
 - c. The impervious surface area for the lot, as required by the applicable zoning district, may be increased by a maximum of 3 percentage points.
5. **Use B-5: Riding Academy/Stable.** For profit riding academy, livery, or commercial boarding of horses shall be permitted, provided that:

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- a. Minimum lot area: 5 acres.
 - b. Animal sheds and storage buildings shall not be located closer than 100 feet from any property line.
- C. Commercial Uses.
1. **Use C-1: Club:** A group of individuals, together with buildings and facilities owned or operated by an association, corporation, or other legal entity, convening for educational, social, or recreational purposes, not incidental to other business, and not operated primarily for profit, or to render a service that is customarily carried on as a business enterprise:
 - a. The use shall be for dues-paying members and their authorized guests only, and such use shall not be open to the general public, except for special fund raising events.
 - b. A club shall not include uses specifically defined elsewhere within this section of the Ordinance.
 - c. Clubs serving alcohol must be licensed by the Pennsylvania Liquor Control Board.
 2. **Use C-2: Commercial Kennel.** Any structure or premises in which 8 or more domestic animals may be kept, including more than 5 dogs more than six months old, or 5 cats more than six months old, where grooming, breeding, boarding, training or selling of animals is conducted for profit:
 - a. Minimum lot area: 5 acres.
 - b. The establishment shall be licensed by the state to operate as a kennel.
 - c. The total number of dogs or cats shall not exceed five per acre, excluding dogs or cats under six months old.
 - d. No shelter or other structure for the use, including a run, shall be permitted within 200 feet of any property line or street line.
 - e. Buildings shall be adequately soundproofed so that sounds generated within the building cannot be perceived at the lot boundary.
 - f. No shows or competitions are permitted.
 - g. No animals shall be permitted outdoors between the hours of 8 p.m. and 8 a.m.
 3. **Use C-3: Commercial School:** Such use shall include a commercial school, trade school, professional school, music school, dance school, and the like.
 4. **Use C-4: Convenience Store/Mini-Market.** An individual store where retail trade intended for quick sale and carry-out is the principal use. Such use does not specialize in a particular product, but offers an array of different items including but not limited to takeout coffee, dairy products, delicatessen, dry goods, foodstuffs, grocery items, newspapers, tobacco, and similar product lines:
 - a. A minimum of two separate and remote trash receptacles must be provided and

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- maintained outdoors.
- b. No outside vending machines, outside sales, ATMs, or phones are permitted.
 - c. Facilities for dumpsters must be screened, according to the provisions of this Ordinance, or inside trash compactors and storage must be provided.
 - d. The gross retail floor area may not exceed 3,000 square feet.
 - e. Service stations shall not be permitted as an accessory use or second principal use.
5. **Use C-5: Dry Cleaners (Drop-Off).** A dry cleaning establishment which does not have any on-site cleaning equipment or processes other than clothes pressing.
 6. **Use C-16: Hotel/Motel/Inn.** A facility offering transient lodging accommodations on a daily or weekly basis to the general public, and providing additional services such as restaurants, meeting rooms and recreational facilities.
 7. **Use C-7: Laundry (Self-Service):** A business or use that provides home type washing, cleaning, and drying machines, for hire or rent, to be used by customers on the premises.
 8. **Use C-8: Personal Care Business.** A personal care business requires direct, physical contact with the customer in the performance of a personal service, and shall include such uses as barber, beautician, nail manicure, and tattooing. Such uses generally require a license from the State Department of Professional Occupations.
 9. **Use C-9: Repair Shop.** A repair shop shall include any business where the primary function is the repair of items such as appliances, bicycles, computers, guns, lawn mowers, locks, stereos, televisions, VCRs, watches, small business or electronic machines, and similar products:
 - a. The use does not include auto or vehicle repair.
 - b. All items must be repaired on the premises in an enclosed and roofed building.
 - c. Retail sales must be accessory to the use and are limited to 10 percent of the gross floor area.
 - d. No outside storage is permitted.
 10. **Use C-10: Restaurant:** An establishment, or other retail use, or portion thereof, where food or beverages are sold for direct consumption on the premises to persons seated within the building.
 11. **Use C-11: Retail Shop.** A small shop or store where the single principal use of the premises is the retail sale of goods and merchandise, and whose market place draw as largely local in scope or services.
 - a. There shall be no outdoor display or storage unless permitted by district regulations.
 - b. The gross leasable floor area devoted to retail use and storage shall not exceed 10,000 square feet.

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- c. The retail use employs no more than 2 employees per 1000 square feet of gross leasable floor area devoted to retail use.
 - d. A minimum of two separate and remote trash receptacles must be provided and maintained outdoors.
 - e. No outside vending machines, outside sales, ATMs, or phones are permitted.
 - f. Facilities for dumpsters must be screened, according to the provisions of this Ordinance, or inside trash compactors and storage must be provided.
 - g. The building footprint for any retail shop use shall be limited to 5,000 square feet.
12. **Use C-12: Tavern/Bar:** Any premises wherein alcoholic beverages are served or sold at retail for consumption on the premises, of which the principal business in the sale of such beverages. It shall not include establishments where alcoholic beverages are sold in conjunction with the sale of food consumed on the premises, and the sale of alcohol comprises less than 25 percent of gross receipts.
- a. The facility must be licensed by the Pennsylvania Liquor Control Board.
13. **Use C-13: Veterinary Clinic:** Such use shall include the office of a veterinary with accessory animal pens, which shall not be allowed as a primary use:
- a. A minimum lot size of 1 acre shall be required when the use includes interior pens.
 - b. If outdoor pens or animal runways are provided, the minimum lot size shall be 2 acres.
 - c. Buildings shall be adequately soundproofed so that sounds generated within the building cannot be perceived at the lot boundary.
 - d. No shelter or other structure for the use, including a run, shall be permitted within 200 feet of any property line or street line.

D. Industrial Uses.

1. **Use D-1: Adult Entertainment Uses**

- a. **Intent.** The Township of Upper Salford has determined that adult entertainment uses tend to bring with them situations that can affect the health, safety, and welfare of Township residents. These situations include difficulties with law enforcement, municipal maintenance, trash, negative effects on business and residential property values, increased crime, corruption of the morals of minors, and prostitution. The Township of Upper Salford considers that limiting the location of and requiring permitting for adult entertainment uses are legitimate and reasonable means of addressing the secondary effects of such uses without affecting or suppressing any activities protected by the First Amendment of the U.S. Constitution .
- b. **Definitions.**
 - i. **ADULT ARCADE** - Any place to which the public is permitted or invited to operate still or motion producing devices which show images to five or fewer persons per

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machine at any one time and where the image so displayed or distinguished or characterized depicts or describes Aspecified anatomical areas≡ or Aspecified sexual activities.≡

- ii. **ADULT BOOKSTORE OR ADULT VIDEO STORE** - Any commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video productions, slides, or other visual representations which depict or describe Aspecified sexual activities≡ or Aspecified anatomical areas≡; or
 - b. Instruments, devices, or paraphernalia which are designed for use in connection with Aspecified sexual activities.≡

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Aspecified sexual activities≡ or Aspecified anatomical areas≡ and still be categorized as ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE so long as one of its principal business purposes is offering for sale or rental for consideration the specified materials which depict or describe Aspecified sexual activities≡ or Aspecified anatomical areas.≡

- iii. **ADULT CABARET/DANCE HALL/PRIVATE CLUB/BAR/TAVERN/NIGHT CLUB/RESTAURANT/ OR SIMILAR COMMERCIAL ESTABLISHMENT** - Any type of establishment offering Aadult entertainment≡ which presents material distinguished or characterized by an emphasis on matter depicting or describing Aspecific sexual activities≡ or Aspecified anatomical areas,≡ for observation by patrons therein. Such presentation or material may be live or through films, motion pictures, video cassettes, slides, or other means of photographic reproduction.
- iv. **ADULT ENTERTAINMENT** - Live or non-live entertainment containing Aspecified sexual activities≡ or displaying or presenting Aspecified anatomical areas.≡ This definition is a broad overall definition which includes the activities of adult arcades/cabarets/dance halls/private clubs/bars/gentlemen=s bars/taverns/ adult bookstore, adult video store, adult mini motion picture theaters and peep shows, adult motels, and sexual encounter centers as part of its definition for adult entertainment.
- v. **ADULT MOTION PICTURE THEATER** - Any structure which houses an establishment used for presenting material distinguished or characterized by an emphasis on matter depicting or describing Aspecified sexual activities≡ or Aspecified anatomical areas,≡ for observation by patrons therein.
- vi. **ADULT MOTEL** - A hotel, motel, or similar commercial establishment which offers accommodation to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are used for presenting material distinguished or characterized by an emphasis on matter depicting or describing

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Aspecified sexual activities≅ or Aspecified anatomical areas.≅

- vii. NUDITY - The appearance of the Aspecified anatomical areas≅ without any coverings on the body area.
- viii. PEEP SHOWS - Any structure which houses a commercial establishment with the capacity for one or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting or describing Aspecified sexual activity≅ or Aspecified anatomical areas≅ for observation by parties therein.
- ix. SEMI-NUDITY - State of dress in which clothing partially or transparently covers the Aspecified anatomical areas.≅
- x. SEXUAL ENCOUNTER CENTER - A business or commercial enterprise that as one of its primary business purposes offers physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between two or more persons when one or more of the persons is in a state of nudity or semi-nudity.
- xi. SPECIFIED ANATOMICAL AREAS - Human genitals, pubic region, anus, buttocks, female breasts below the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- xii. SPECIFIED SEXUAL ACTIVITIES - Activities which include any of the following:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts or simulated acts of sexual intercourse, masturbation, sodomy, oral copulations, or bestiality; or
 - c. Fondling or other erotic touching of Aspecified anatomical areas≅.
- c. Classification. Adult entertainment uses are classified as any of the following activities:
 - i. Adult Arcade
 - ii. Adult Cabaret, Dance Hall, Private Club, Bar, Tavern, Night Club, Restaurant, or similar commercial establishment
 - iii. Adult Material Sales, including Adult Bookstore and Adult Video Store
 - iv. Adult Motion Picture Theater
 - v. Adult Motel
 - vi. Peep Shows
 - vii. Sexual Encounter Center
- d. Development Regulations. All adult entertainment uses shall meet the following conditions:
 - i. Adult entertainment uses shall not be located in any zoning district except for the LI

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Limited Industrial district, where they are permitted as a conditional use.

- ii. No adult entertainment use shall be located within 500 feet of an existing residence or residential zoning district.
 - iii. No adult entertainment use shall be located within 1,000 feet of a church, existing or proposed school or school property line, child day care facility, playground, park, or township bicycle trail.
 - iv. No adult entertainment use shall be located within 1,000 feet of another adult entertainment use.
 - v. Adult uses shall be housed in completely enclosed buildings, designed and used in a manner which prevents the viewing of adult use activities or materials from outside the building. No exterior display of products, activities, or shows shall be permitted, except for a sign which identifies the name of the establishment and its hours of operation, in conformance with the requirements of Article XX herein.
 - vi. If any portion of a use meets the definition of adult entertainment use, except for limited sale of adult materials, as listed under the adult bookstore definition, then that portion must comply with the requirements of this section.
- e. Permit.
- i. Any person who operates an adult entertainment use, as defined herein, is required to obtain a permit from the Township to operate such use. Each permit shall expire one year from the date of issuance and may only be renewed by making application for a new permit.
 - ii. The annual fee for an adult entertainment use permit shall be set by the Upper Salford Board of Supervisors.
 - iii. The application for an adult entertainment use permit shall include a sketch or diagram of the configuration of the premises and a list of all individuals who have a ten percent (10%) or greater interest in the adult use, and any other information deemed necessary by the Zoning Officer.
 - iv. The Township shall deny initial applications for a permit if any one of the following conditions is found to be true.
 - a. The applicant is under eighteen (18) years of age.
 - b. An applicant or the spouse of an applicant is delinquent in payment of any monies owed to the township.
 - c. The premises for the adult entertainment use have been disapproved by the Fire Marshal or Building Inspector.
 - d. An applicant, any individual or corporation having a direct interest of ten percent (10%) or greater in the adult entertainment use, or the person in charge of the operation of the business have been convicted of an offence involving sexual misconduct within the Commonwealth of Pennsylvania or convicted of any

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offense in any other jurisdiction that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania.

- f. Expiration and Renewal of Permit
 - i. Each permit shall expire one year from the date of issuance and may only be renewed by meeting the application requirements for permits outlined above in Section 304.D.1.e. Applications for renewal shall be made at least thirty (30) days before the expiration date.
 - ii. Permits shall not be renewed during a suspension or revocation time period.
 - g. Inspection. The applicant or permittee shall permit the Township Police Department, Fire Marshal, Building Inspector, Zoning Officer, or other Township Official to inspect the premises of the adult entertainment use to ensure compliance with the law at any time that the use is open for business.
 - h. Suspension. The Zoning Officer shall suspend a permit for not more than thirty (30) days if he finds that the permittee or an employee has violated any section of this ordinance, refused to allow inspections as authorized by this section, or has knowingly permitted gambling by any person on the adult entertainment use premises.
 - i. Revocation. The Zoning Officer shall revoke a permit if a cause of suspension occurs and the permit has been suspended within the preceding twelve (12) months. Further, the Zoning Officer shall revoke a permit if any of the conditions set forth in Section 304.D.1.e.iv, is found to be true; if any information submitted for the permitting process is found to be false; if the permittee or an employee has knowingly allowed the possession, use, or sale of controlled substances on the premises, allowed prostitution on the premises, or allowed any act of sexual contact to occur in or on the premises. When the Zoning Officer revokes a permit, the revocation shall continue for a period of one (1) year from the date of revocation.
 - j. The maximum building footprint shall not exceed 15,000 square feet.
- 2. Use D-2: Quarrying Operation:**
- a. Minimum lot size shall be at least 25 acres.
 - b. The operation is conducted in accordance with all necessary water quality management and/or other permits or approvals required and issued by the Pennsylvania Department of Environmental Protection, Bureau of Mining and Reclamation, and any other local, state, and/or federal agency having jurisdiction.
 - c. No mining or excavation shall be permitted to occur within 300 feet of the following:
 - i. Any zoning district boundary.
 - ii. The right-of-way line of any public street.
 - iii. Any stream, lake, or other natural body of water.
 - iv. Any residence or property line.

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- d. Landscaped Buffer and Screening. A landscaped buffer strip, at least 100 feet in width, shall be created adjacent to any existing developed use, any zoning district boundary line, or the right-of-way of any public street and maintained in the following manner:
 - i. No uses, including but not limited to the storage of overburden, shall be permitted within the buffer strip.
 - ii. Earthen berms shall be constructed within the buffer area to a height of not less than 3 feet above the median existing grade and shall be a slope ratio of not more than 3:1.
 - iii. The earthen berms shall be constructed of topsoil and shall be planted with both high and low level plant material, of sufficient density to initially provide an effective year-round visually opaque screen to a height of not less than 8 feet from the median existing grade at the time of the planting or construction. This screen shall be provided in free form planting beds to avoid the appearance of a straight line or a wall of planting material. No single planting bed shall exceed 200 feet in length, with sequential beds arranged in an overlapping manner to protect the integrity of the visual barrier.
 - iv. A fence not less than 8 feet in height shall be erected within the buffer area between the berm and areas of excavation.
 - v. The buffer area shall be planted in accordance with the standards contained in the township's subdivision and land development ordinance.
 - vi. The Township Supervisors may allow the use of existing vegetation and/or topography as a full or partial substitute for the buffer plantings and berm.
- e. The following regulations shall apply to the storage of overburden at quarrying operations:
 - i. The height of overburden piles shall not exceed 35 feet or the effective height of the nearest buffer planting screen, whichever is less.
 - ii. All reasonable precautions shall be taken to prevent any materials or wastes deposited upon any overburden stockpile from being washed, blown, or otherwise transferred off the site by natural causes or forces. Stockpiles shall be stabilized with grass, stabilization fabric, or a combination of the two materials.
- f. Procedures for reclamation upon cessation of quarrying operations:
 - i. All areas of excavation shall be reclaimed in accordance with terms of the operating permit issued by the Pennsylvania Department of Environmental Protection or other applicable agency.
 - ii. In addition to the above requirements, all exposed surfaces capable of supporting plant material shall be planted with wild flowers, grasses, or similar vegetative ground cover.
 - iii. Upon closure of the quarrying operation, all overburden shall be returned to the excavation area from which it was taken prior to disturbance. The area which was formerly used for overburden storage shall be regraded to a slope of not more than 3 percent and shall be seeded with wild flowers, grasses, or similar vegetative ground

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cover.

- g. All drainage from the site of quarrying operations shall be controlled by dikes, barriers, or drainage structures sufficient to prevent any silt, debris, or other loose materials from filling any existing drainage course or encroaching on streets and adjacent properties.
3. **Use D-3: Solid Waste:** A facility storing, processing, or treating of any municipal waste, residual waste, hazardous waste, agricultural waste, industrial waste, food processing waste or other solid waste as defined by the Solid Waste Management Act, 35 P.S. 6018.103, et seq. as most recently amended. This use shall not include trash transfer stations, but shall include a junk yard.
- a. Minimum lot size for all uses shall be at least 25 acres.
 - b. All activities not involving land disposal of solid waste shall be conducted in a completely enclosed and roofed building, provided that the maximum building footprint for all buildings shall not exceed 15,000 square feet.
 - c. Vehicular Access.
 - i. Any public road used to provide direct access to these facilities for routine, daily use shall be paved and maintained in good condition, in compliance with the standards of the Pennsylvania Department of Transportation, for the types of trucking which are necessary for operation.
 - ii. The Board of Supervisors may designate safe and adequate access routes and prohibit the use of other roads, except for local trash pickup purposes.
 - iii. The minimum paved cartway for access roads shall be 26 feet, with four-foot wide improved shoulders on both sides.
 - iv. No more than 1 primary access road shall be constructed to the entrance of the facility. In addition, the access driveway into these facilities shall be of sufficient length to provide stacking room on the facility property, so that vehicles entering the facility shall not block the public road outside the facility. A second access may be provided for employees only.
 - v. The costs of upgrading and maintaining major access roads to these facilities shall be paid for by these facilities in a means suitable to the Board of Supervisors. Assessments and/or dumping fees are examples of suitable methods.
 - vi. Landfills shall provide an all-weather access driveway negotiable by loaded collection vehicles between the entrance and the dumping area.
 - vii. Access roads and driveways shall be cleaned daily.
 - d. Fencing and Litter Control.
 - i. All facilities used to process, store, transfer, or dispose of solid waste shall be provide a chain link fence of a minimum height of 8 feet and served by lockable gates for security purposes. Scavenging shall not be permitted.

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- ii. Appropriate precautions shall be taken to prevent trash from being scattered on the site by wind or other means. Fencing, walls, and other enclosures may be required for this purpose. Any scattered litter shall be collected daily and be properly disposed.
 - iii. Landfills shall have a maximum active dumping area of 3 acres and shall provide a chain link fence of a minimum height of 12 feet along all boundary lines of the area which is approved for use as a sanitary landfill by the Pennsylvania Department of Environmental Protection. The fence shall not contain openings greater than 9 square inches.
- e. Grading. These facilities site shall be graded and provided with appropriate drainage facilities to minimize runoff, prevent erosion, and prevent collection of standing water, except in basins designed for that purpose.
- f. Landscaped Buffer and Screening.
- i. In addition to the applicable district setback requirements of no solid waste operations, including but not limited to storage of vehicles, solid waste storage, collection, processing, or disposal equipment, gas combustion equipment, sewage treatment plants, or cooling towers shall be carried on or located within 100 feet of any property line or within 100 feet of any street right-of-way.
 - ii. Collected, stored, transferred, or processed materials, buildings, and equipment at these facilities shall be screened from view from adjacent roads or properties by complete enclosures in a building, opaque screening by solid fencing, walls or dense vegetation, or by location on a site such that the operation is not visible or is screened by existing vegetation on the site.
- g. Fire Safety. All buildings shall be equipped with fire and smoke detection and extinguishing facilities in compliance with the regulations of the Pennsylvania Department of Labor and Industry, the National Fire Protection Association, BOCA (Building Officials and Code Administrators Code) and/or other more stringent regulations, if determined appropriate by the Board of Supervisors.
- h. Scales. An on-site scale shall be used to weigh all solid waste delivered to a site and accurate and complete records shall be maintained by the operator, and which records shall be available for inspection by the Board of Supervisors or their designee.
- i. Availability of Records. A certified copy of all reports, data, plans and other material or information required to be submitted to the Pennsylvania Department of Environmental Protection shall also be submitted to the Board of Supervisors.
- j. Tire Cleaning. A tire cleaning area shall be provided on the access road for a solid waste disposal, processing, storage, or transfer site. All tires on all trucks leaving the disposal site shall be cleaned. Run-off from the tire cleaning area shall be controlled in accordance with the provisions of the township=s storm water management regulations within the subdivision and land development ordinance.
- k. Equipment Cleaning. An equipment cleaning area shall be provided on the solid waste disposal or transfer site. All equipment used in the disposal operation shall be cleaned at the end of the working day to prevent odors and other nuisances or health hazards. All

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drainage from equipment cleaning areas shall be managed so as to prevent water pollution, and shall be discharged to a sanitary sewer system or other facilities approved by the Board of Supervisors.

- l. Groundwater Monitoring. At the site of a solid waste disposal facility, groundwater monitoring wells shall be required and shall be located both along the interior boundary lines of the buffer zone and outside the boundary lines of the site as determined by the Pennsylvania Department of Environmental Protection (PADEP). Copies of PADEP monitoring reports shall be promptly provided to the Board of Supervisors. Any unsafe conditions shall be reported immediately to the Board of Supervisors.
- m. Emergency Systems. All solid waste facilities, equipment and personnel shall be equipped with both an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel, and a device immediately available at the scene of operations, such as a telephone or a hand held two-way radio, capable of summoning emergency assistance from local police and fire departments.
- n. Emergency Access. All solid waste facilities shall have at least one emergency access entrance, which shall be locked except when used during an emergency situation. The operator shall provide a key to this entrance to the Board of Supervisors.
- o. Hours of Operation. Solid waste facilities may operate on a 24 hour basis, provided that waste delivery hours for all sites or facilities shall be limited to 7:00 AM to 6:00 PM on weekdays and 7:30 AM to 12:00 noon on Saturdays. No waste deliveries shall be permitted at any other time unless approved in advance by the Board of Supervisors or their designee. Also, the site or facility shall be closed to waste deliveries on Christmas Day, New Years Day, Thanksgiving Day, Labor Day, Memorial Day, and Fourth of July.
- p. Additional Standards and Criteria for Conditional Use Applications. In addition to complying with the other standards of this Article and Articles XXIV of this ordinance, applications for a conditional use for solid waste facilities shall provide the information, comply with the requirements, and be evaluated by the Board of Supervisors in accordance with the standards, criteria, requirements, and regulations of this section.
 - i. Plan Conformance: The applicant shall provide a statement identifying the relationship of the proposed use to the Upper Salford Comprehensive Plan of 1995, Montgomery County Municipal Waste Management Plan, state and federal regulations, and other policies and controls for the proposed use and the affected area, including a statement as to how the proposed use may conform or conflict with the objectives and specific terms of those documents, including a statement of the following:
 - a. Primary and secondary effects of the use and its capacity to stimulate or induce changes in patterns of social and/or economic activities.
 - b. Impact on existing community facilities and activities, changes in natural conditions, etc.
 - c. Local need for the solid waste facility.
 - ii. Traffic.

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- a. The applicant shall demonstrate that the existing public road system will be able to accommodate the traffic generated by the use in a safe and efficient manner without infringing on existing residential and school traffic flow, including a statement of the estimated number of vehicles weighing over 20,000 pounds, loaded, which are expected to use the site on a daily basis during the first two years of operation.
 - b. Based upon the findings, the Board of Supervisors may require other improvements, both on-site and off-site, to alleviate hazardous or congested situations attributable to the proposed development, as a condition of approval.
- E. Community Service Uses.
 1. **Use E-1: Adult / Child Day Care:** Such use shall include a day nursery, nursery school, kindergarten, or other agency giving day care to children or senior citizens, and shall be the primary use on the lot, parcel, or premises:
 - a. Where no more than 10 individuals are to be provided day care, the minimum lot size shall be one-half acre. An additional one-half acre shall be provided for each additional group of 10 individuals, or fraction thereof, of design capacity.
 2. **Use E-2: Cemetery:** Land used or intended to be used for the burial of the dead, dedicated for such purposes and licensed by the state authority having jurisdiction. It includes crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery:
 - a. The minimum lot size shall be 10 acres for any newly proposed cemetery use.
 - b. No more than 10 percent of the area, to a maximum of 5 acres, may be devoted to above-ground buildings not serving as burial markers, memorials, such as business and administrative offices, maintenance facilities bath-houses, greenhouses, work houses, repair shops, and the like. This restriction includes parking facilities.
 - c. A 40 foot buffer strip, unoccupied except for landscaping and walkways, shall be provided between any building or burial site and the cemetery property line.
 3. **Use E-3: Conservation/Recreation:** A lot parcel, or area of land which is dedicated or deed-restricted for open space, forest stream, or wildlife preservation, or for some other general conservation purpose. Areas so dedicated in conjunction with a subdivision or land development shall follow the standards for greenway land in Section 2206. Such use shall also include a recreational facility or park, owned or operated by the municipality or other governmental agency.
 4. **Use E-4: Emergency Services:** Such use shall include ambulance, fire, police, rescue, and other emergency services of a municipal or volunteer nature.
 5. **Use E-5: Library / Museum:** Such use shall include a library or museum open to the public or connected with a permitted educational use, conducted as a non-profit operation, and not conducted as a private, gainful business.
 6. **Use E-6: Municipal Complex:** Such use shall include a municipal administration building, police barracks, library, or road maintenance facility.

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7. **Use E-7: Place of Worship:** A tax-exempt institution that people regularly attend to participate in or hold religious services, meetings, and other activities related to religious ceremonies. The term church shall include those buildings and structures in which religious services are held:
 - a. If the place of worship is located on a parcel of property in conjunction with a school as defined in this article, the minimum lot size shall be 10 acres, and use conditions associated with schools shall also apply.
8. **Use E-8: School - Public / Private:** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses that provides a broad educational curriculum to individuals enrolled therein, and is licensed by the State Department of Education, including private and public kindergartens, elementary, junior and senior high schools, and colleges and universities:
 - a. The minimum lot area shall be 10 acres.
 - b. Outdoor play area and fields shall be screened when any portion thereof is located within 100 feet of an off-site residential land use.
 - c. Temporary classroom trailers are permitted provided they meet the district yard requirements.
9. **Use E-9: Utility Operating Facility:** Such use shall include a transformer station, pumping station, relay station, electric or telephone towers, substation, sewage treatment plant, and any similar or related installation, not including any uses defined by Section 304.D.3 (Use D-3: Solid Waste).
 - a. No public business office, retail activity, or storage is permitted in connection with the use.
 - b. Except when located in utility or public rights-of-way, such structures and uses other than bus shelters shall meet the required dimensional criteria for the district in which they are located.
 - c. Wherever possible such uses shall be located underground.

F. Office Uses

1. **Use F-1: Professional Office:** Such use shall include an office for the services of a dentist, doctor, chiropractor, architect, engineer, lawyer, real estate broker, or similar professional office, including such assistants as are necessary to perform the service, but not including other professionals with separate practices.

G. Entertainment / Recreational Uses.

1. **Use G-1: Amusement Park:** An outdoor entertainment facility designed for mechanical or electronic rides, games, and accessory uses such as booths, snack bars, and special exhibit halls:
 - a. The minimum lot area shall be 20 acres.
 - b. Amusement parks may not be an accessory use.

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2. **Use G-2: Athletic Club:** A building, facility or structure, which through membership and/or compensation, offers facilities and programs operated by a non-governmental agency for athletic, health or recreational workout and training, including but not limited to gymnasiums, exercise and weight rooms, game courts, locker rooms, jacuzzi and sauna, reduction and training salons, weight control programs, classes, group instruction, and accessory pro and health food snack shops:
 - a. Outdoor play courts, if provided, shall meet approved playing size standards exclusive of any required green areas.
 - b. Outdoor play courts, if provided, shall meet the setback requirements of the applicable zoning district.
3. **Use G-3: Golf Course:** A golf course may include a club house, restaurant, and other accessory uses, provided these are clearly accessory to the golf course:
 - a. A minimum lot area of 100 acres shall be provided.
 - b. No building shall be any closer than 100 feet to any lot line.
 - c. Golf courses permitted as a conditional use in the RA-5, R-2, or R-30 zoning district shall comply with the following:
 - i. No miniature golf shall be permitted.
 - ii. Driving ranges may not use lighting facilities and no part of the driving range, including the designated landing area, shall be located closer than 100 feet to any lot line.
4. **Use G-4: Indoor Recreation:** An indoor facility designed to accommodate sports such as bowling, ice skating, roller skating, roller blading, skateboarding, roller ball and similar activities.
5. **Use G-6: Outdoor Recreation:** Outdoor recreation, including public or private miniature golf courses, ball courts, tennis courts, ball fields, trails, and similar uses which are not enclosed in buildings and are operated on a commercial or membership basis, primarily for the use of patrons who do not reside on the same lot or premises. Outdoor recreation shall not include an amusement park, public campground, or other uses specifically provided in this Ordinance.
6. **Use G-7: Public Campground:** A property upon which 2 or more campsites are located, established, or maintained for occupancy as temporary living quarters for recreation or vacation purposes.
 - a. Spaces or camp sites for the use of travel trailers and campers shall be rented by the day or week only.
 - b. Occupants of camp sites or space shall not remain in the same public campground for more than 15 consecutive days, including a maximum of 30 days during any one calendar year.

H. Residential Uses.

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1. **Use H-1: Estate Dwelling Unit (single-family detached):** A large privately owned lot of at least 10 acres, comprising all or part of an area of deed-restricted greenway land, and limited to a small bailable area. The purpose of the estate lot is to provide surrounding residents with visual access to open land while keeping the land under private ownership and maintenance. Estate dwelling units are permitted as part of conservation subdivisions.
2. **Use H-2: Single Family Detached Dwelling:** A dwelling unit designed and used exclusively as the residence for only 1 family unit, is the only dwelling unit located on the parcel it is situated on, and is not attached to any other structures or dwelling units, except accessory structures permitted in this ordinance:
3. **Use H-3: Village Single:** A single family detached dwelling with design features intended to create a pedestrian friendly village character. Village singles houses must meet all of the following criteria:
 - a. They shall contain a roofed but unenclosed porch extending across at least half of the front of the dwelling and being at least 7 feet in depth.
 - b. All front facing garages for village houses must be located at least 10 feet behind the building=s front facade. All other off-street parking, including other garages or unenclosed parking spaces, must be located behind the building=s front facade.
 - c. All village houses shall contain at least one of the following features:
 - i. A front yard raised above sidewalk grade by at least 2 feet.
 - ii. A front yard enclosed by a permanent ornamental wall or wooden fence between 2 and 3 feet in height or enclosed by a hedge of shrubs planted 18 inches apart across the width of the front yard.
 - iii. A first floor level of the house, including the front porch, that is raised at least 2 feet above ground level at the front facade of the building.
 - d. The side wall of a village single located within 10 feet of a property line and facing the wall of an adjacent structure shall not contain windows or other transparent surface exceeding 3% of the wall surface.
4. **Use H-4: Residential School Campus:** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses that provide a broad educational curriculum to individuals enrolled therein, licensed by the State Department of Education, including private and public kindergartens, elementary, junior and senior high schools, vocational, charter and alternative schools, and colleges and universities that provide for residential living in connection with the educational curriculum. Provided however, the use shall meet the following requirements:
 - a. The minimum lot area shall be 10 acres.
 - b. When any portion of an outdoor recreation area or playing field is located within 100 feet of an off-site residential land use or zoning district boundary (where the zoning district boundary separates the property on which the H-4 use is proposed from property not owned by the owner of such property), such outdoor recreation areas and playing fields shall be screened utilizing a screening buffer as defined in Section 612 E.5. of the Upper

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Salford Township Subdivision and Land Development Ordinance.

- c. Temporary classroom trailers are permitted provided they meet the district yard requirements, and the impervious surface limitations in the applicable zoning district, and provided that any classroom trailer shall be permitted for a period not to exceed a single school year, or one (1) calendar year, whichever is greater.