

**Part 3**  
**DISTRICTS**

**§27-301 Districts Designated.**

1. For the purpose of this Chapter, Salisbury Township is hereby divided into the following zoning districts, ~~as described in this chapter:~~

CR	Conservation-Residential District
R1	Rural Residential District
R2	Low Density Residential District
R3	Medium Low Density Residential District
R4	Medium Density Residential District
R5	Medium High Density Residential District
C1	Office-Laboratory District
C2	Neighborhood Commercial District
C3	General Commercial District
I	Light Industrial District
HCO	Health Care Overlay District
TO	Transitional Overlay District

2. For the purposes of this eChapter, the zoning districts named in ~~§27-301.1-Subsection 1-  
above~~ shall be of the number, size, shape and location shown on the Official Zoning Map. Any use of the abbreviations listed in ~~Subsection 1-§27-301.1 above~~ shall mean the district name that is listed beside the abbreviation.
3. Floodplain. The floodplain area, as defined by the Township Floodplain Ordinance (~~f~~Chapter 8~~}), shall serve as an overlay area to all of the underlying districts. The documents and mapping referenced by the Township's Floodplain Ordinance (~~f~~Chapter 8~~}), as amended, are hereby included in this eChapter by reference.~~~~

4. Purposes of ~~e~~Each ~~D~~district. In addition to the purposes stated in the Comprehensive Plan and in other sections of this ~~C~~chapter, the following districts shall have the following purposes:

- CR Conservation-Residential District — To provide for mostly single-family detached housing at a very low density and conservation-oriented land uses, in recognition of the extensive important natural features in this district
- R1 Rural Residential District — To provide for mostly single-family detached housing at a relatively rural density
- R2 Low Density Residential District — To provide for mostly single-family detached housing at a low density
- R3 Medium Low Density Residential District — To provide for mostly single-family detached, twin and townhouse development at a medium low density
- R4 Medium Density Residential District — To provide for a wide range of housing types at a medium density
- R5 Medium High Density Residential District — To provide for a wide range of housing types at a medium high density
- C1 Office-Laboratory District — To provide for offices and related types of development
- C2 Neighborhood Commercial District — To provide for limited types of commercial uses, while protecting adjacent residential neighborhoods
- C3 General Commercial District — To provide for a wide range of commercial uses, while protecting adjacent residential neighborhoods
- I Light Industrial District — To provide for a range of manufacturing and other industrial uses, while recognizing that there are limited suitable sites for such activity within Salisbury Township
- HCO Health Care Overlay District — To provide for a range of health care uses, while protecting adjacent residential neighborhoods
- TO Transitional Overlay District — To provide for limited types and intensities of health care uses, while protecting adjacent residential neighborhoods

**§27-302 Application of District Regulations.**

1. The regulations set by this Chapter shall apply uniformly to each class or kind of structure or land, except as provided for in this Chapter.
2. No building, structure or land shall hereafter be erected, used, constructed, reconstructed, moved or structurally altered and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
3. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.
4. Any territory which may hereafter be annexed to the Township shall be classified as the zoning district of the Township most similar to the zoning of such territory before annexation (as determined by the Zoning Hearing Board) until otherwise classified.-

#### **§27-303 Zoning Map.**

1. A map entitled "Salisbury Township Zoning Map" accompanies this Chapter and is declared a part of this Chapter. The Official Zoning Map shall bear the adoption date of this Chapter and the words "Official Zoning Map."
2. Changes of any nature to the Official Zoning Map shall only be made in conformity with the amendment procedures set forth in this chapter. All changes should be noted by date with a brief description of the nature of the change.
3. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Township-Salisbury Township Community Development Office and shall be the final authority on boundaries and districts.
4. Official Zoning Map.
  - A. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Board of Commissioners may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.

- B. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof, unless the amendment has been duly advertised and adopted.
- C. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

**§27-304 District Boundaries.**

- 1. Where uncertainty exists as to boundaries of any district as shown on the Zoning Map, the following rules shall apply:
  - A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds office at the time of the adoption of this chapter, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
  - B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
  - C. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map.
  - D. Interpretation of Boundaries. See §-27-106., ~~Subsection 4.~~

**§27-305 Setbacks Across Municipal Boundaries.**

- 1. Intent: to continue the objective of compatible land uses across municipal boundaries.
- 2. This eChapter requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district.
- 3. These same setback and buffer yard provisions shall be provided for uses proposed within Salisbury Township if an abutting existing residence or abutting principally residential

zoning district is located in an abutting municipality.

### §27-306 Table of Permitted Uses by District.

1. For the purposes of this ~~section~~Chapter, the following abbreviations shall have the following meanings:

P	=	Permitted by right (zoning decision by the Zoning Officer)
C	=	Conditional use (decision by the Board of Commissioners after an opportunity for review by the Planning Commission)
SE	=	Special exception use (decision by the Zoning Hearing Board, with certain uses requiring review by the Planning Commission)
N	=	Not permitted
(§27-402)	=	See additional requirements in §27-402 (subsections may also be listed)
(§27-403)	=	See additional requirements in §27-403 (subsections may also be listed)
(SW)	=	Public sewer and public water service both required

2. Unless otherwise provided by law or specifically stated in this ~~C~~chapter (including §-27-106~~.5~~ ~~Subsection~~-2), land or a structure shall only be used or occupied for a use specifically listed in this Part as being permitted in the respective zoning district, as listed below. Any use shall only be permitted if it complies with all other requirements of this ~~C~~chapter. Where different requirements are stated for the same use in this chapter, the most-restrictive requirement shall apply.
3. Permitted Accessory Uses In All Districts. The following accessory uses are permitted by right as accessory uses to a permitted-by-right, special exception or conditional principal use in all districts, within the requirements of §-27-403 and all other requirements of this ~~e~~Chapter:
  - A. Air-conditioning equipment, other than central equipment for a commercial or industrial use.

- B. Amateur radio antennas ~~—See § 27-403, Subsection 4B.—~~
- C. Basketball backboard, which may be within a required setback area, provided it is a minimum of two feet from any lot line of an abutting residence.
- D. Crop storage as an accessory use to crop farming.
- E. ~~D~~Family day-care home, family center as an accessory use ~~—See § 27-403, Subsection 4D.—~~
- F. Fence or wall (non-retaining type, see definition of “Fence” in Part 2) ~~—See § 27-403, Subsection 4E.—~~
- G. Flagpole.
- H. Garage, household.
- I. Garage sale ~~—See §27-403, Subsection 4F.—~~
- J. Home gardening.
- K. Home pet care ~~—See §27-403, Subsection 4I.—~~
- L. Indoor storage that is accessory to a permitted use.
- M. Keeping of pets and accessory animals as allowed by §27-403, ~~Subsection 4~~.K.
- N. Loading, off-street, only to serve a use that is permitted in that district.
- O. Parking, off-street, only to serve a use that is permitted in that district.
- P. Recreational facilities limited to use by employees of a lot or a development and their occasional guests.
- Q. Recreational facilities limited to use by residents of a development and their occasional invited guests.

- R. Recreational vehicle, storage of one or two—~~See § 27-403, Subsection 4L.~~
  - S. Residential accessory structure (see definition in Part 2)—~~See § 27-403, Subsection 4M.~~
  - T. Satellite antennas—~~See § 27-403, Subsection 4O.~~
  - U. Signs, as permitted by Part 7.
  - V. Swimming pool, household—~~See § 27-403, Subsection 4R.~~
  - W. Tennis/racquetball court or volleyball court.
  - X. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted-by-right, special exception or conditional principal use.
  - Y. Beekeeping is permitted as an accessory use, provided it is on a noncommercial basis.  
~~Hives shall be located in the rear yard at least 10 feet from any lot line and not closer than 50 feet to the nearest dwelling other than that of the property owner.~~ Any beekeeper shall provide documentation of registration with the Department of Agriculture and compliance with the Pennsylvania Bee Law, 3 Pa.C.S.A. §§ 2101 to 2117. [~~Added by Ord. 12-2016-608, 12/8/2016~~]
4. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted-by-right accessory uses only to a permitted-by-right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this Cchapter are met:
- A. Amusement machines, coin- or token-operated.
  - B. Food, beverage and toy machines, coin-operated.
  - C. Newspaper and periodical distribution machines and boxes, which shall only be allowed on a public sidewalk where they do not obstruct pedestrian or wheelchair travel and where they do not obstruct safe sight distances near intersections and driveway entrances.
  - D. Telephones, coin-operated.

- E. The following accessory uses, provided that the use is clearly intended to primarily serve employees, patients, residents, visitors of patients, families of employees of the use and their occasional guests:
- 1) Cafeteria within an enclosed principal building and without any signs visible from outside of the building and without its own separate outside entrance.
  - 2) Day-care center; provided that, if such use serves more than 100 children at one time, any outside play area shall be set back a minimum of 400 feet from the lot line of an existing single-family detached dwelling.
  - 3) Noncommercial recreational facilities.
5. Essential Services. The following are essential services that are permitted by right as a principal use or as an accessory use in all districts:
- A. The following essential services are not required to meet the accessory or principal setback, lot area or other lot requirements of this chapter, except that any newly created lot shall meet the applicable lot requirements if future building or subdivision of the lot would reasonably be possible for a different use:
- 1) Oil pipelines and natural gas transmission and distribution lines and accessory compressing stations.
  - 2) Electrical transformers as an accessory use to dwellings.
  - 3) Electrical, telephone and streetlight poles.
  - 4) Electrical transmission and distribution lines and meters.
  - 5) Wells, standpipes, water transmission lines, cisterns and meters.
  - 6) Sewage pumping stations, but not including a central sewage treatment plant, provided that such use is set back a minimum of 75 feet from any dwelling or any residential lot line.
  - 7) Cable television and telephone lines.



- 8) Stormwater pipes, outfalls, detention basins, swales, catch basins and best management practice measures.
- 9) Shelters and benches for buses that transport school children or that are owned, operated or financed by a public transit authority, and that do not include off-premises signs, unless signs are authorized by the Township within a public right-of-way.
- 10) United States mailboxes.
- 11) Boxes for receiving individual newspapers.
- 12) Railroad lines.
- 13) Fire hydrants and emergency callboxes.
- 14) ~~R~~Engineered retaining walls that are ~~clearly necessary~~designed/installed to hold back slopes or divert storm water.
- 15) Sidewalks and curbs.
- ~~16) Residential driveways, provided that driveways may be required to meet a certain setback from a lot line under § 27-307 in a residential district or under § 27-309, Subsection 1E.~~
- ~~17)16) Ramps primarily intended for handicapped access.~~
- ~~18) Ground level porches that are not covered by a permanent roof.~~
- ~~19)17) Steps leading into the entrance of a building provided they are not covered by a permanent roof.~~
- ~~20)18) On-lot septic disposal systems. (See Pennsylvania Department of Environmental Protection setback requirements.)~~
- ~~21)19) Construction. Temporary storage of vehicles and materials and/or construction office trailers that are clearly needed and being actively used for current construction during the time of an active Township construction permit on the same or an adjacent lot or within the same subdivision, provided such items are removed from the site~~

within 30 days of completion of the portion of the construction that they relate to.

- B. The following are permitted essential services and are required (except within §-27-115) to meet all of the applicable requirements of this Chapter:

1) Ground-level porches or patios that are not covered by a permanent roof, subject only to the paved area setback requirements of §27-xxxxx

2) Electrical substations and bulk industrial or commercial transformers that are not an accessory use to dwellings. Electric substations involving outdoor structures at least 10 feet in height shall be required to provide evergreen screening within the requirements of § 27-803, Subsection 2, on sides that are within 150 feet of a dwelling, undeveloped residentially zoned land or an expressway or an arterial street.

3) Water towers (see height exemption in §27-802), water filtration plants and pressure stations.

4) Emergency and other electrical generators and compressors.-

5) Solid waste bulk dumpsters and bulk compactors.

6) Telephone switching stations.

7) Industrial or commercial central air-conditioning equipment.

**§27-307 Table of Lot and Setback Requirements by District.**

1. For the purposes of this §-27-307, the following abbreviations shall have the following meanings:

sq. ft.	=	Square feet
ft.	=	Linear feet
SFD	=	Single-family detached dwelling
public sewer	=	Service at the time of occupancy by public sewage service as defined by Part 2
central water	=	Service at the time of occupancy by central water

service as defined by Part 2

NA = Not applicable

2. The following requirements shall apply for each respective district, unless a more-restrictive requirement is listed for a particular use in §-27-402 or ~~§~~27-403 or elsewhere in this chapter:

- (i) ~~See also the steep slope regulations of § 27-505, which may require larger lots in areas of 8% or greater slope.~~
- (ii) See Part 10 of this ~~e~~Chapter for a hospital and related health care uses.
- (iii) For all districts, see exceptions in §-27-309, such as for certain decks.
- (~~iii~~iv) For land that is at least partly within the CR District, see also the open space development option in §-27-31009.
- (v) ~~The numbers of lots and/or dwelling units shall be governed by the site capacity analysis in § 27-308.~~

- A. Table of Zoning Requirements for the CR, R1 and R2 Districts are listed in 27 Attachment 4.
- B. Table of Zoning Requirements for the R3, R4 and R5 Districts, for uses other than townhouses, ~~garden/low-rise~~ apartments or manufactured/mobile home parks: (for those uses see §-27-402) are listed in 27 Attachment 5.
- C. Table of Zoning Requirements for the C1, C2, C3 and I Districts, for uses other than manufactured/mobile home parks (which are regulated by §-27-402) are listed in 27 Attachment 5.

3. See also additional requirements in the following sections:

- A. Additional requirements for specific types of principal uses - § 27-402.
- B. Additional requirements for specific types of accessory uses - § 27-403.
- C. Off-Street parking - Part 6 (including driveway/accessway and paved area setbacks in § 27-603)

D. Signs - Part 7.

E. Buffer yards - § 27-803, Subsection 2.

~~Steeply sloped areas - § 27-505.~~

F. Environmental protection - Part 5.

G. Temporary structures - § 27-807.

H. Site plan review for certain uses - § 27-118.

I. Outdoor storage and display as an accessory use - § 27-403.

~~**§27-308 Site Capacity Analysis for Lots Within a Subdivision or Land Development.**~~

- ~~1. Each site is unique, because it has physical features that are rarely the same as other sites. Portions of some sites may not be usable. The purpose of this section is to determine the appropriate intensity of use to which a specific tract may be put, by netting out certain features that are considered to be unbuildable from the total area of the site. This section determines the maximum number of allowed lots and/or structures, based upon the land's specific characteristics. All applicants for preliminary plan approval or combined preliminary/final plan approval of a subdivision or land development shall include maps and a table that demonstrate compliance with this section.~~
- ~~2. Exceptions. This section shall not apply if any of the following situations apply:
  - ~~A. The application only involves an adjustment to the lot lines of one or more existing lots and does not create a new lot; or~~
  - ~~B. The application only involves revisions to a previously approved subdivision or land development that does not increase the number of approved lots or structures.~~~~
- ~~3. A map showing the locations of the natural resources and the following natural resource site capacity calculations shall be submitted by the applicant to determine the requirements for that lot or abutting lots. Portions of a site which have overlapping protection restrictions shall be subject to the highest protection ratio and shall be calculated only once. For example, if a 25%~~

~~steep slope is also in a power line right-of-way, it shall be calculated as 25% slope and not double-counted as power line right-of-way.~~

~~A. Base Site Area. The total lot area of abutting lots in common ownership shall be considered the site area. The following acreage shall be deleted from the site area to determine the ability of the site to support the density/intensity of development, to result in the net-buildable site area.~~

		<del>Site area as determined by actual property survey</del>	<del>___ Ac.</del>
		<del>Subtract land within any future right-of-way of an existing street where a future right-of-way is required under the Subdivision and Land Development Ordinance; or where a future right-of-way is not required, subtract rights-of-way of existing streets based upon the width that is proposed to exist after completion of the subdivision or land development</del>	<del>___ Ac.</del>
		<del>Subtract 50% of land within easements or rights-of-way for electric transmission lines with an intended capacity of 35-kilovolts or greater</del>	<del>___ Ac.</del>
		<del>Subtract land which: is not abutting (lands that are only separated by an alley, railroad or waterway shall be considered abutting) or that is in a different zoning district, which shall be calculated separately</del>	<del>___ Ac.</del>
		<del>Subtract land located in another municipality</del>	<del>___ Ac.</del>
		<del>Subtract land which, in a previously approved development, was dedicated as common open space or is protected by</del>	<del>___ Ac.</del>

		<del>an existing conservation easement</del>	
		<del>Subtract land areas that are wetlands, within natural lakes or ponds, seeps, springs, vernal pools, or are within the 100-year floodplain.</del>	<del>___ Ae.</del>
		<del>Subtract 85% of land with a steep slope of 25% or greater</del>	<del>___ Ae.</del>
		<del>Subtract 50% of land with a steep slope of 15% or greater, but less than 25%</del>	<del>___ Ae.</del>
		<del>Net Buildable Site Area</del>	<del>___ Ae.</del>

- ~~4. Where a zoning district provides a standard minimum lot area in acres (such as the CR District) in § 27-307, the net buildable site area shall be divided by such minimum lot size to determine the maximum allowed number of lots or dwelling units (whichever is more restrictive) allowed on the site.~~
- ~~5. Where § 27-307 provides a standard minimum lot area in square feet for a zoning district (such as the R1 District), the net buildable site area shall be converted into square feet (with each acre equal to 43,560 square feet) and then shall be divided by such minimum lot size to determine the maximum allowed number of lots or dwelling units (whichever is more restrictive) allowed on the site.~~
- ~~6. For townhouses and apartments, the maximum density shall be determined using the site capacity calculation in § 27-402 for such uses.~~
- ~~7. Where a zoning district or use establishes density through a maximum number of units per acre, the net buildable site area in acres shall be multiplied by that number of units per acre to determine the maximum allowed number of dwelling units allowed on the site.~~
- ~~8. This site capacity requirement shall apply in addition to other requirements of this chapter, such as steep slope regulations in § 27-505, based upon the building construction area.~~

<del>Note:</del>	<del>The applicant should be aware that the calculated maximum</del>
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	<del>density/number of lots is the maximum allowable, and there is no guarantee that such density/number of lots will be possible on a particular site, after considering all other requirements. See also high water table soil regulations in § 27-504.</del>
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**§27-30~~89~~ Special Lot and Yard Requirements.**

1. In General.

- A. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this chapter. This includes, but is not limited to, setback areas, nonimpervious areas and off-street parking areas.
- B. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles.
- C. Setbacks Not Applicable. See exemptions for certain structures in § 27-306.
- D. Accuracy. The applicant is responsible to make sure that all measurements submitted to the Township are accurate.

~~Driveways on Corner Lots. Private driveways on corner lots serving a single-family detached dwelling shall be located at least 40 feet from the point of intersection of the nearest public street right of way lines, unless the provisions of § 27-603, Subsection 4E, impose a more restrictive standard.~~

2. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

- A. Nonconforming Lots. See § 27-806.
- B. Through Lots. ~~Any through lot having frontage on two approximately parallel streets (not including an alley) shall have one front yard, one second front yard, and two side yards. See definition of "Lot Line" for further information regarding each yard. provide a required front yard setback abutting each of these streets.~~
- C. Reverse-Frontage Lots. A reverse-frontage lot shall have one front yard, one rear yard, and two side yards. The yard adjacent to the street with no access shall be considered the

rear yard. This yard shall conform with the clearly prevailing yard pattern on numerous existing developed adjoining lots fronting on the same street. See definition of "Lot Line" for further information regarding each yard

C.D. Corner Lots ~~Setback.~~

- 1) A setback area equal to the minimum front yard setback shall be provided along both the front lot line and the second front line ~~all portions of a corner lot abutting any public street~~, except:
  - a) Where the applicant proves to the satisfaction of the Zoning Officer that the provision of a smaller setback or a different yard for a residential building will conform with the clearly prevailing yard pattern on numerous existing developed adjoining lots fronting on the same street; or
  - ~~b) If the applicant proves to the satisfaction of the Zoning Officer that such requirement cannot reasonably be met within an existing lot, then the Zoning Officer may allow the front yard on one street to be reduced to 60% of what would otherwise be required, with the Zoning Officer choosing which street may have the smaller setback based upon the prevailing character in the area.~~
- 2) A corner lot shall have one front yard, one second front yard, one side yard, and one rear yard. ~~See definition of "Lot Line" for further information regarding each yard one side yard and one rear yard.~~

D.E. Triangular Lots. A three-sided lot shall have one front yard, one side yard and one rear unless it is a corner lot in which case it shall have one front yard, one second front yard, and one side yard. ~~See definition of "Lot Line" for further information regarding each yard.~~

E.F. Projections Into Required Yards. The following features may project into required yards ~~and shall not be considered in the determination of building coverage~~:

- 1) Patios, porches and decks that:
  - a) May or may not be covered by a structural roof;
  - b) Are not enclosed and do not have walls of mostly solid material, glass or plastic;



c) Are not closer than five feet to any side or rear lot line (except zero feet is allowed along a shared lot line of attached dwellings) and do not intrude more than 10 feet into a required front yard;~~and~~

d) Are not raised more than six feet above the surrounding average ground level; and

~~d)e) \_\_\_\_\_ Are not raised more than six feet above the surrounding average ground level. Do not obstruct the required sight line.~~

2) Routinely projecting architectural features, such as bay windows, cornices, eaves, fireplaces, chimneys, fire escapes or windowsills which do not project more than five feet into any required yard, or closer than five feet to any adjacent lot line of a single-family detached dwelling, whichever is more restrictive.

3) Stairs and landings that are not within enclosed walls, provided such stairs or landings do not exceed six feet in height.

4) Open balconies, provided no supporting enclosed walls are located within the required yard, ~~and provided~~ the balconies do not project more than five feet into any required yard nor closer than five feet to any adjacent lot line of a single-family detached dwelling, whichever is more restrictive, and do not exceed six feet above grade.

~~5) Patios and decks that do not meet the standards of Subsection 2E(1) above, whether covered or uncovered, provided that they:~~

~~a) Are not enclosed and do not have walls mostly of solid material, glass or plastic; and~~

~~b) Extend into a maximum of 1/3 of the required rear yard distance.~~

~~6)5) See also Symbol\* under the dimensional requirements for the R4 and R5 Districts in §27-307, Subsection 2B, which allows certain reduced setbacks for additions to existing single-family detached dwellings.~~

F.G. \_\_\_\_\_ Patios and decks which are not covered, are not enclosed and do not have walls of mostly solid material, glass or plastic, may project up to 10 feet or 1/3 of the width of the yard of a corner lot abutting the second street into the second front yard of a corner lot, which provides the greater relief.

~~G. Septic Systems. See §27-507. Also, if impervious coverage is added to an existing residential lot, see §27-403, Subsection 4M(10).~~

H. Previously Approved Setbacks. Where a subdivision or land development was granted final approval prior to the adoption of this chapter and the lawful setbacks in effect at such time are shown on the approved plans, at the option of the developer, those approved setbacks may apply in place of any revised setbacks in this chapter.

I. Front Yard Exceptions. When an unimproved residential lot is situated between two or more lots with principal buildings with principal building front yard setbacks with less depth than required in that district, the minimum front yard shall be reduced to the depth of such abutting improved lot that has the largest depth.

J. Special Building Setback Lines Established. On the following streets, the depth of the required front yard shall be measured from the following additional setback from the center line of the street right-of-way as specified below, instead of from the street right-of-way line, unless measurement from the required street right-of-way line would be more restrictive. However, the setback required by this §-27-309, ~~Subsection 2.J~~, may be reduced so that the principal building would not be required to maintain a front yard setback more than 10 feet greater than the setback permitted by §-27-309, ~~Subsection 2.I~~, if such section is applicable.

Street	Additional Setback from the Center Line of the Right-of-Way (feet)
Black River Road	30
Cardinal Road	30
Cedar Crest Boulevard (south of I-78)	60
Chapel Avenue (south of Emmaus Avenue)	25

<b>Street</b>	<b>Additional Setback from the Center Line of the Right-of- Way  (feet)</b>
Church Road	30
Constitution Drive	30
Country Club Road	30
Devonshire Road	25
East and West Rock Roads	30
East Texas Boulevard	40
Fairview Road	25
Fish Hatchery Road	30
Honeysuckle Road	30
Keystone Drive	30
Lindberg Avenue	30
Oxford Drive	30
Public Road	30
Second Street	30

Street	Additional Setback from the Center Line of the Right-of-Way (feet)
Seidersville Road	30
South Albert Street	40
South Pike Avenue/PA Rt. 145	50
Susquehanna Street	30

~~K. Alleys. If an existing unpaved private alley abuts an existing lawful lot of record, a required minimum building setback may be measured from the center line of such alley. However, the land area within such right of way shall not be counted towards the required minimum lot area.~~

**§27-3109 Open Space Development Option for Land that is at Least Partly Within the CR District.**

1. This section allows an applicant the option to reduce the minimum lot areas on tracts that are at least partly within the CR District if the development would meet all of the following requirements:

A. Option for Tracts Entirely Within CR. The following requirements shall apply to a tract of more than six acres that is entirely within the CR District, in addition to the other requirements of this subsection:

- 1) The "net buildable site area" as provided in § 27-308 shall be divided by 1.5 acres to determine the number of allowed dwelling units. Each dwelling unit that has a construction area of less than 15% shall have a minimum lot area of 1.5 acres.
- 2) A minimum of 45% of the total tract shall be dedicated as common open space within the requirements of this subsection.

- 3) No new construction area shall include slopes of greater than 15% slope, except for areas exempted by § 27-505, Subsection 4.

B. Option for a Tract That Includes Land in Both the CR District and an Abutting R3 District With a Total Tract Area of 25 Acres or More.

- 1) This option provides certain modifications to requirements when a tract includes land in both the CR District and an abutting R3 District and has a total area of all abutting lots in common ownership within the tract of 25 acres or more, and if the development proposes townhouses within the R3 portion of the tract.
- 2) See the R3 District regulations in §§ 27-306, 27-307 and 27-402, which allow various housing types, including townhouses. If this option is utilized, the minimum net buildable site area per townhouse in § 27-402 shall be reduced to 6,000 square feet.
- 3) A minimum of 75% of the total land area of the tract shall be dedicated for permanent common open space purposes.
- 4) No buildings shall be located within the CR District on land greater than 25% slope, except for areas exempted by § 27-505, Subsection 4.
- 5) Any permitted townhouses shall be set back a minimum of 100 feet from:
  - a) The existing right-of-way of any arterial street; and
  - b) The lot lines of any existing single-family detached dwellings.
- 6) Within a tract of land, the common open space may be dedicated by the owner of record at the same time as or prior to preliminary or final subdivision approval of the remaining area for development, while the remaining area for development may be sold to and developed by a different owner or equitable owner.
- 7) All dwellings shall be served by both public water and public sewer service.
- 8) The minimum tract area shall be 25 acres.
- 9) Any townhouse or parking area for five or more vehicles that is within 200 feet of and visible from a preexisting single-family detached dwelling shall be separated from

- such preexisting dwelling by a variety of evergreen and deciduous plants that can reasonably be expected to form a solid visual screen within five years from planting.
- C. Land that was previously protected by a conservation easement shall not be used to meet a requirement of this section.
- D. Tract Area. For the purposes of this section, the term "total area of the tract" shall mean the total lot area or the total lot area of contiguous lots in common ownership, but not including areas within the existing and future rights-of-way of existing streets, but including the right-of-way of any new streets proposed within the tract.
- E. This open space option shall not apply to land within nonresidential zoning districts.
- F. Common open space used to meet the requirements of this subsection shall meet all of the following requirements:
- 1) Such land shall be dedicated to one of the following: the County of Lehigh, Salisbury Township, a homeowners' association, or an established nature conservation organization acceptable to the Board of Commissioners. The Township shall be given right of first refusal.
  - 2) The county, Township or such nature organization, as applicable, shall agree in writing to accept such dedication and maintain such land as open space open to the general public. If no such entity agrees to accept such dedication, and if the Township Board of Commissioners does not accept ownership by a homeowners' association, such open space option shall not be permitted.
  - 3) Such open space shall be permanently deed-restricted to noncommercial public recreational and open space uses, except for lands permitted by this section to be used for municipal uses.
  - 4) The applicant shall show that part of the required open space would also meet all of the requirements for recreation land under the Subdivision and Land Development Ordinance ~~(Chapter 22)~~.
  - 5) Stormwater detention basins shall not count towards this open space, unless the applicant proves to the satisfaction of the Board of Commissioners at the time of subdivision or land development approval that such area would clearly serve a recreation or scenic open space purpose.

- 6) Such open space shall meet one of the following two requirements:
  - a) Have pedestrian access a minimum of 20 feet in width to a public street or a private street to which the public is permanently granted access and be a minimum of three contiguous acres in area; or
  - b) Directly abut an existing common open space area such that the total abutting open space will be at least three acres in area.
- 7) Any homeowners' association agreement shall be subject to review by the Township Solicitor to ensure it includes proper procedures for maintenance of any land or facilities that are to be owned or maintained by such entity. The Board of Commissioners may require reasonable adjustments to such agreement based upon such review. The provisions of Section 705(f)(1) and (2) of the Pennsylvania
- 8) MPC, as amended, 53 P.S. § 10705(f), or such successor sections, shall serve as a general guide for such agreement.