

**ARTICLE XVIII**

**GENERAL EXCEPTIONS**

**SECTION 1800. AREA, HEIGHT AND USE EXCEPTIONS**

The regulations in this ordinance shall be subject to the interpretations and exceptions set forth in this Article.

**SECTION 1801. ESSENTIAL SERVICES**

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of overhead, surface or underground gas, electrical, steam, or water distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety, or general welfare shall be exempt from the regulations of this ordinance provided, however, that the installation shall conform to applicable federal, state and local law and regulations. Wireless communication facilities and wireless communication support facilities are only considered to be essential services if they are located on township-owned sites, incorporated into the township's emergency communication network, or are on essential services location sites that are ten (10) acres or greater in size.

The following shall be considered essential services:

- a. Electrical substations
- b. Gas regulator stations
- c. Major transmission lines
- d. Radio, television, microwave transmission and relay towers
- e. Telephone exchange and transmission equipment buildings
- f. Railroad rights-of-way
- g. Water pumping stations
- h. Water and waste-water works, reservoirs, pumping and filtration plants

**SECTION 1802. VOTING PLACE**

The provisions of this ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**SECTION 1803. HEIGHT LIMIT**

- 1803-1. The Planning Commission may specify a height limit and setback for architectural features such as chimneys, church spires, weather vanes, cupolas, clock towers, flag poles, public monuments and other similar architectural features that exceed the height limit regulation of the district in which it is located when the architectural feature is part of an improvement that is subject to site plan review. In all circumstances, except as determined by the Planning Commission, architectural features shall not be used for habitation or occupancy.
- 1803-2. Antennas and windmills in agricultural and residential districts may be constructed to a height of fifty (50) feet provided the structure is located so that the base of the structure is no closer to any property line than the height of the structure. No such structure shall be placed in a required or unrequired front yard.
- 1803-3. Flagpoles in any zoning district shall be located so that the base of the structure is no closer to any property line than the height of the structure. Any flagpoles in excess of fifty (50) feet in height are subject to site plan approval.

**SECTION 1804. LOTS ADJOINING ALLEYS**

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area and setback requirements of this ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

**SECTION 1805. PROJECTIONS INTO REQUIRED YARDS**

- 1805-1. Uncovered terraces, patios, porches and other paved areas which are without roofs and/or walls or other forms of enclosure will be permitted in required front and rear yards providing that any such paved area shall be subject to the following restrictions:
- a. The highest finished elevation of the paved area shall not be over three (3) feet above the average surrounding finished grade;
  - b. No portion of the paved area shall be closer than four (4) feet from any lot line.
- 1805-2. Fire escapes, outside stairways and balconies of open construction may project into a required yard up to a maximum of five (5) feet.

1805-3. Architectural features such as roof overhangs and bay windows, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

#### **SECTION 1806. ACCESS THROUGH YARDS**

For the purpose of this ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement serving a like function, and not in excess of nine (9) inches above the grade upon which placed shall not be considered to be a structure for the purpose of this ordinance and shall be permitted in any required yard.

#### **SECTION 1807. CONSTRUCTION FACILITIES**

Construction trailers and similar temporary structures used as offices and for storage by contractors and other construction personnel shall be permitted. Use of said structures shall be restricted to construction activities related to the site or development on which they are located.

#### **SECTION 1808. IRREGULAR FRONTAGE LOTS**

Irregular frontage lots as defined and regulated herein are hereby permitted by this ordinance. Irregular frontage lots are lots which cannot conform to the minimum lot width requirements of this ordinance if the front lot line is considered to be the line separating the lot from the street. Such irregular frontage lots shall have a total lot area equal to or greater than the minimum lot area required by the Zoning Ordinance for the District in which the lot is located and such irregular frontage lots shall conform to the following specifications:

1. The shortest straight line horizontal distance between the two side lot lines intersecting the street shall be at least sixty (60) feet, and
2. The lot is of such size and configuration so as to completely contain within its boundaries a rectangle or trapezoidal shaped area of land which:
  - a. has a minimum width equal to at least the minimum lot width established according to the district in which the lot is located for the use to which the lot is to be put when the lot is under three (3) acres in size or less and has a minimum width equal to at least eighty percent (80%) of the minimum lot width established according to the district in which the lot is located for the use to which the lot is to be put when the lot is three (3) acres or more in size; and
  - b. has an area equal to the minimum buildable area established according to the district in which the lot is located for lots under three acres and an area equal to at least eighty percent (80%) of the total area for lots that are equal to or greater than three (3) acres.

Typical configurations for irregular frontage lots are shown in Figure 18.1 at the end of this section. Lot lines to be considered front, side and rear lot lines are shown as are areas to be considered front, side and rear yards.

**SECTION 1809. MODIFICATION OF SETBACK PROVISIONS ON CERTAIN PREEXISTING LOTS WHICH DO NOT MEET MINIMUM LOT AREA REQUIREMENTS**

Certain sections of this Ordinance establish additional setback requirements over and above the basic setback requirements otherwise applicable. These additional setback requirements apply to lots which are located on major thoroughfares. These additional setback requirements may be reduced by the Zoning Administrator upon findings that: 1) the lot in question was recorded prior to the effective date of this Ordinance, AND 2) the lot in question is less than 25,000 square feet in area, AND 3) it is not feasible for the building proposed to fully meet the additional setback requirements applicable to lots on major thoroughfares.

The reduction of additional setback requirements pursuant to this Section shall be the minimum amount feasible, and in no case shall the provisions of this Section be the basis for approving setbacks which are less than would be required if the subject lot were not on a major thoroughfare. The reduction of additional setback requirements pursuant to this Section shall not be deemed a variance from the terms of this Ordinance under the provision of Section 2004-2. The reduction of additional setback requirements pursuant to this Section shall apply only to the setback requirements established in the following Sections and to no other setback requirements: 404-4, a(5); 404-4, b(6); 405-4, a(5); 405-4, b(6); 504-4, a(5); 504-4, b(6); 505-4, a(5); 505-4, b(6); 506-4, a(5); 506-4, b(6); 507-4, a(5); 507-4, b(6); 508-4, a(5); 508-4, b(6).

**SECTION 1810. PLACEMENT OF SEPTIC TANKS AND DRAIN FIELDS**

Certain provisions of this Ordinance specify setback requirements for septic tanks and drain fields. These setback requirements may be reduced by the Building Inspector upon findings that: 1) the lot in question was recorded prior to the effective date of this Ordinance, AND 2) the lot in question contains less than 20,000 square feet in area, AND 3) the proposed building cannot be constructed essentially as proposed if the septic tank and drain field setbacks are fully met. Reduction of septic tank and drain field setbacks pursuant to this Section shall not be deemed a variance from the terms of this Ordinance under the provision of Section 2004-2.

FIGURE 18.1

