

TOWNSHIP OF HANOVER

ZONING ORDINANCE

ORDINANCE NO. 109

(As amended by Ordinance No. 122, adopted July 7, 2011)

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 76, ENTITLED “HANOVER TOWNSHIP ZONING ORDINANCE” ADOPTED AUGUST 20, 1987 TO DEFINE TERMS USED IN THE ORDINANCE; TO REGULATE THE LOCATION AND USE OF STRUCTURES AND LAND FOR RESIDENCES, BUSINESS, INDUSTRY AND OTHER PURPOSES; TO REGULATE THE HEIGHT OF STRUCTURES, THE PERCENTAGE OF LOT COVERED BY STRUCTURES, THE SIZE OF LOTS, THE SIZE OF YARDS AND OTHER OPEN SPACES; TO SPECIFY STANDARDS AND CRITERIA FOR CONDITIONAL USES AND USES BY SPECIAL EXCEPTION; TO ESTABLISH LANDSCAPING AND OTHER LOT IMPROVEMENTS; TO ESTABLISH STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENT; TO REGULATE NONCONFORMING USES, STRUCTURES AND LOTS; TO ESTABLISH PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE; TO PRESCRIBE POWERS AND DUTIES OF THE ZONING HEARING BOARD; AND TO ESTABLISH PROCEDURES FOR AMENDING THE ORDINANCE.

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Hanover, Washington County, Pennsylvania, as follows:

ARTICLE I

BASIC PROVISIONS

SECTION 100 TITLE

The official title of this Ordinance is “Hanover Township Zoning Ordinance.”

SECTION 101 EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Board of Supervisors.

SECTION 102 AUTHORITY

This Ordinance is adopted by virtue of the authority granted to the Township by the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Action 170 of 1988 (P.S. 10101 et seq., as may be amended from time to time).

SECTION 103 INTERPRETATION

In the event of conflicts between the provisions of this Ordinance and any other ordinance or regulation, the more restrictive provisions shall apply.

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.

In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the property owner and against any implied extension of the restriction.

SECTION 104 COMMUNITY DEVELOPMENT OBJECTIVES

Community Development Objectives are set forth in the Raccoon Valley Region Comprehensive Plan by the Board of Supervisors on August 21, 2003. In addition the specific objectives stated in the Raccoon Valley Region Comprehensive Plan, the general community development objectives on which this Ordinance is based are:

- A.** To promote the interest of Public health, safety, morals and the general welfare;
- B.** To secure safety from fire and to provide adequate open spaces for light and air;
- C.** To conserve and stabilize property values;
- D.** To preserve woodlands, open space, recreational, agricultural and environmental sensitive lands from conflict with urban development;
- E.** To facilitate the economic provision of adequate transportation, water, sewage, schools, parks and other public requirements;
- F.** To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers;
- G.** To promote stormwater management, soil and water conservation;
- H.** To set forth population density controls;
- I.** To promote coordinated and practical community development; and
- J.** To promote the utilization of renewable energy sources.

SECTION 105 COMPLIANCE

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall any structure or land be used or designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

SECTION 106 SEVERABILITY

If any of the provisions of this Ordinance or the application of any provision to particular circumstances is held to be invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

ARTICLE II

DEFINITIONS

SECTION 200 GENERAL INTERPRETATIONS

All words used in this Ordinance shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive; the word "may" is permissive. The words "used" or "occupied," as applied to any land or structures, shall be construed to include the words "intended, arranged or designed to be used or occupied". The word "person" shall include any individual, corporation, partnership, incorporated association or any other legal entity. Words in the masculine gender shall include the feminine gender. The words "includes" and "including" shall not limit the defined term to the specific examples, but are intended to extend the terms meaning to other instances of like kinds and character.

SECTION 201 PARTICULAR MEANINGS

The following words and phrases shall have the particular meaning specified in the purpose of interpreting this Ordinance:

ACCESSORY USE OR STRUCTURE: A use or structure, located on the same lot with the principal use or structure, that is subordinate and incidental to the principal structure or use of the property and which may occupy a separate structure and/or area on or in the ground, including, but not limited to storage sheds, garages, swimming pools, decks, fences, patios and similar structures.

ADULT ARCADE: Any place where the public is permitted or invited wherein coin-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas, as defined herein.

ADULT BOOKSTORE: An establishment having a substantial or significant portion of its stock in trade, including but not limited to, video cassettes, movies, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual conduct or nudity, as defined by this Ordinance, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT BUSINESS: An adult arcade, adult bookstore, adult live theater, adult mini-motion picture theater, adult motion picture theater, adult motel or a nightclub featuring adult entertainment, as defined herein.

ADULT ENTERTAINMENT: Movies which are rated “X” by the Motion Picture Coding Association, videos, still or motion pictures, photographs, slides, films or other visual representations, books, magazines or other printed material or live dramatic, musical or dance performances which are sexually explicit or depict nudity or sexual conduct, as defined herein.

ADULT LIVE THEATER: Any commercial establishment which features live shows for public viewing in which all, or some, of the performers are displaying nudity or engaging in sexual conduct, as defined herein.

ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity for accommodating less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity for accommodating fifty (50) or more persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

ADULT MOTEL: A hotel or motel presenting adult motion pictures by means of closed circuit television, the material being presented having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

AGRIBUSINESS: Any business related to the production operations on a farm, when accessory to an active farm which is the principal use of the property, including, but not limited to, the sale and distribution of farm equipment, supplies and commodities, blacksmithing, sawmill, tractor or other farm equipment repair and similar services, but not including on-site sales accessory to a farm or tourism, as defined herein, and separately regulated.

AGRICULTURE: The science and art of farming, the work of cultivating the soil, producing crops and livestock.

ANIMAL HOSPITAL: An establishment for the medical or surgical treatment of animals, including the boarding of hospitalized animals. An animal hospital shall not board or treat exotic animals and shall be subject to all State and Federal regulations.

ANIMAL SHELTER: Any building or other structure which is used to enclose and provide protection for livestock or domestic pets.

ARTERIAL STREET: A public street which serves large volumes of high speed and long distance traffic. Streets classified as arterial in the Township for the purposes of interpreting this Ordinance are: U.S. Route 22 and PA Route 18.

ASSEMBLY HALL: A room, hall or building used for lectures, meetings and gatherings, other than a religious convocation.

AUTOMOBILE SERVICE STATION: See SERVICE STATION, AUTOMOBILE.

BAR OR TAVERN: A business which sells alcoholic beverages for consumption on the premises as the principal use and which may offer food for consumption on the premises as an accessory use.

BASEMENT: That portion of a building having at least one-half (1/2) of its height above the average grade of the adjoining ground.

BED AND BREAKFAST: A dwelling which is the principal residence of the operator where no more than four (4) sleeping rooms are offered to transient overnight guests for compensation and where the only meal served and included with the overnight accommodations is breakfast.

BILLBOARD: Any off-premises sign with a changeable advertising face which advertises an establishment, person, activity, product or service which is unrelated to or not available on the premises on which the sign is located.

BOARD OF SUPERVISORS: The Board of Supervisors of the Township of Hanover, Washington County, Pennsylvania.

BOARDING STABLE: The keeping of horses and ponies owned by persons other than the owner of the stable, or the rental of horses owned by the owner of the stable for a fee or other form of compensation, which may include training of horses, riding lessons and riding facilities.

BUFFER AREA: A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material and shall consist of a mix of types and sizes of plant material which, within three (3) years of planting, meets the standard of providing a compact year-round visual screen at least six (6) feet in height or an existing natural barrier, such as vegetation and/or topography which duplicates the effect of the required buffer area.

BUILDING: Any structure having enclosing walls and roofs and having a permanent location on the land. (See also COMPLETELY ENCLOSED BUILDING)

BUILDING AREA: The total of areas taken on a horizontal plane at the finished grade level of the principal building and all accessory buildings, excluding one-story uncovered porches, bay windows, balconies, terraces and steps.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE, FRONT: A line parallel to or concentric with the front lot line, the minimum measurement of which is the front yard depth required by this Ordinance.

BUILDING SPACING: The minimum distance between two (2) buildings on the same lot, measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters which project beyond the wall of the building no more than two (2) feet.

BUSINESS OR PROFESSIONAL OFFICES: Any office of recognized professions such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

CARPORT: A structure to house or protect motor vehicles, which is open to the weather for at least forty percent (40%) of the total area of its sides.

CAR WASH: A facility, whether automatic, semi-automatic or manual, for washing and polishing of vehicles.

CELLAR: That portion of a building having one-half (1/2) or more of its height below the average grade of the adjoining ground.

CEMETERY: Property used for interring of dead persons or domestic pets, including mausoleums and columbariums, but not including crematoriums or family plots.

CHURCH: Any structure or structures used for worship or religious instruction, including social and administrative rooms and day nurseries accessory thereto, but not including any activity conducted for profit, including, chapels cathedrals, temples, synagogues and the like.

CLINIC: Any establishment, including mobile diagnostic units, where human patients receive medical, dental, chiropractic, psychological and surgical diagnosis, treatment and counseling under the care of a group of licensed medical doctors and dentists and their supporting staff, where said patients are not provided with board or room or kept overnight on the premises.

CLUB, PRIVATE: See PRIVATE CLUB.

COLLECTOR STREET: A public street which, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads. Streets classified as collector roads in the Township for the purposes of interpreting this Ordinance are: Clinton-Frankfort Road, County Line Road, Dillo Road, Hanlin Station Road, Haul Road, Irely Way, Kings Creek Road North and South, Kramer Road, Maxwell Road, Miller Airport Road, Morgan Way, Paris-Colliers Road, Purdy Road, Starck Drive, Starpointe Boulevard, Steubenville Pike, Todd Drive and Waller Way.

COMMERCIAL RECREATION: See RECREATION, COMMERCIAL.

COMPLETELY ENCLOSED BUILDING: A building designed and constructed so that all exterior walls shall be solid from the ground to the roof line, containing no openings except for windows and doors which are designed so that they may be closed and any other small openings required for the ventilation system.

COMPRESSOR: A device used alone or in series to raise the pressure of natural gas and/or by-products to create a pressure differential to move or compress a liquid, vapor or gas.

COMPRESSOR STATION: A facility designed and constructed to compress natural gas and/or oil that originates from a single well site or a collection of such well sites, operating as a midstream facility for delivery of gas and/or oil to a transmission pipeline, distribution pipeline, processing plant or underground storage field, including one (1) or more natural gas and/or oil compressors, associated buildings, pipes, valves, tanks and other equipment.

CONCENTRATED FEED LOT: An agricultural operation where farm animals are kept at a much higher ratio of animals per acre than animals that are pastured and where animals are fed a regimented diet until ready for slaughter.

CONDITIONAL USE: A use authorized by this Ordinance which may be granted only by the Board of Supervisors following review by the Planning Commission and a public hearing subject to express standards and criteria contained in this Ordinance.

CONSTRUCTION TRAILER TEMPORARY: A structure designed, used or constructed, to provide temporary offices for construction supervision on the site of an approved subdivision or land development during the time that a valid building permit or grading permit is in effect.

CONTRACTING BUSINESS: The administrative offices of a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis and which may include the storage of materials equipment and vehicles, provided all materials, equipment and vehicles are stored within a completely enclosed building.

CONTRACTOR'S YARD: An establishment which may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvement, land development and related service on a contractual basis, but which involves the storage, either indoors or outdoors, of materials, equipment and vehicles used in the business.

CONVENIENCE STORE: A retail store selling food products and household supplies for the convenience of the neighboring population.

CORNER LOT: A lot at the intersection of, and fronting on, two (2) or more street rights-of-way.

COVERAGE: See LOT COVERAGE.

DAY CARE CENTER: A facility, licensed by the Commonwealth, located within a building which is not used as a dwelling unit, for the care, on a regular basis, during part of a twenty-four (24) hour day of children under the age of sixteen (16) or handicapped or elderly persons.

DAY CARE HOME: See FAMILY DAY CARE HOME.

DEEP WELL SITE FOR OIL AND GAS DRILLING: Oil and gas drilling, as defined herein, drilled to depths deeper than the base of the Elk Sandstone or its stratigraphic equivalent.

DENSITY, GROSS: The number of dwelling units per acre of land area.

DENSITY, NET: The total number of dwelling units per acre of land devoted to residential use, including streets, parking areas and private open space, yards or courts abutting and serving the dwellings, but exclusive of those areas devoted to common open space and areas of the site which have slopes of twenty-five percent (25%) or greater.

DISTRICT: See ZONING DISTRICT.

DOMESTIC PETS: Animals or birds customarily found in a dwelling and kept for company or pleasure, including dogs and cats, provided there is not a sufficient number to constitute a kennel, as defined herein; hamsters, gerbils, parakeets, canaries, and similar small animals or birds, but not including any exotic animals such as lions, tigers,

bears, ocelots or other feral cats, large or poisonous snakes, alligators, monkeys or other animals normally found in a zoo, nor any horses, pigs, chickens or other fowl or livestock customarily found on a farm.

DRILLING: Any digging or boring of a new well or re-working of an existing well to explore, develop or produce oil, gas or other hydrocarbons or to inject gas, water or any other fluids or substances into the earth.

DRILLING EQUIPMENT: The derrick, all parts and appurtenances to such structure and every piece of apparatus, machinery or equipment used, erected or maintained in connection with oil and gas drilling, as defined herein.

DRIVEWAY: A private vehicular way providing access between a street and a parking area or garage located on a lot.

DRIVE-THROUGH FACILITY: Any principal use or accessory use which involves a window, service lane, bay or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to “drive-in” or “drive-through” windows at fast food restaurants, banks or other businesses, exterior automated teller machines (ATMs), quick oil change facilities, car washes and similar automotive services and other such facilities.

DWELLING: A building designed exclusively as living quarters for one (1) or more families, including single family, two-family and multifamily dwellings, but not including hotels, motels or boarding houses.

DWELLING ON THE SITE OF A BUSINESS: A dwelling unit located on the site of an industrial or commercial use that houses the owner or an employee of the business.

DWELLING TYPES: The following dwelling types are included in this Ordinance:

- A. **SINGLE FAMILY DWELLING:** A detached residential building which is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit. (See also MODULAR DWELLING.)
- B. **TWO FAMILY DWELLING:** A residential building which is the only principal structure on the lot, designed exclusively for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.
- C. **TRIPLEX:** A multifamily residential building designed exclusively for occupancy by three (3) families living independently of each other, containing three (3) dwelling units, each having independent access directly to the outside and having no other units above or below.

- D. **QUADRUPLEX:** A multifamily residential building designed exclusively for occupancy by four (4) families living independently of each other, containing four (4) dwelling units, each having independent access directly to the outside and having no other unit above or below.
- E. **MID-RISE APARTMENT:** A multifamily residential building containing at least four (4), but no more than seven (7) stories.
- F. **MULTIFAMILY DWELLING:** A residential building designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units, including garden apartments and townhouses.
- G. **GARDEN APARTMENT:** A multifamily residential building no more than three (3) stories in height containing three (3) or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.
- H. **GROUP CARE FACILITY:** A facility licensed by the Commonwealth which provides room and board and specialized services for any number or permanent residents who are not included in the protected classes covered by the Fair Housing Act (42 U.S.C.3601 et. seq.) who are in need of supervision and specialized services on a twenty-four (24) hour basis, including staff qualified by the sponsoring agency who may or may not reside at the facility and who provide health, social and rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any other responsible non-profit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency.
- I. **MODULAR DWELLING:** A single family dwelling which is delivered to its site in at least two (2) sections that are set upon a permanent foundation and the sections joined together. Such dwellings shall be certified as meeting the minimum standards for modular dwellings manufactured housing in Pennsylvania and shall be at least twenty (20) feet wide for the entire length when assembled. Modular dwellings shall be permitted wherever single family dwellings are allowed, provided they are installed on a permanent foundation and connected to all available utilities.
- J. **PERSONAL CARE BOARDING HOME:** A dwelling licensed by the Commonwealth where room and board is provided to more than three (3), permanent residents, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services for a period exceeding twenty-four (24) consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing care or intermediate nursing care.

- K. TOWNHOUSE:** A multifamily residential building no more than two and one-half (2 ½) stories in height which contains at least five (5), but no more than eight (8) dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.
- L. TRANSITIONAL DWELLING:** A dwelling unit occupied on a permanent basis by persons of any age or condition who have been adjudicated by the Criminal Court System or on a short term basis by persons assigned by a Court of Law, or public, semi-public or non-profit agency, and managed by a public, semi-public or non-profit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration, prison assignment, house arrest or other Court ordered treatment, and other such short-term supervised assignments.

DWELLING UNIT: Two (2) or more rooms designed for or occupied by one (1) family only and containing sleeping facilities, cooking and food storage facilities, and, in a separate room, toilet and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit.

EASEMENT: a grant of the specified use of a parcel of land to the public, a corporation or person in which no permanent structures shall be permitted without the permission of all parties having rights to the easement.

EROSION: The removal of surface materials by the action of natural elements.

ESSENTIAL SERVICES: The provision by continuous conduit of distribution and collection systems by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Hanover Township of underground or overhead gas, electrical, telephone, steam, or water lines, sewers fire alarm boxes, traffic signals, hydrants, cable TV (not including towers) and accessories in connection therewith, reasonably necessary to furnish adequate services within Hanover Township to the general public.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or a group of not more than eight (8) persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, as defined herein, or any other supervised group living arrangement for persons other than those protected

by the Fair Housing Act or persons who constitute a direct threat to others or their physical property.

FAMILY DAY CARE HOME: A facility, licensed or approved by the Commonwealth, as required by the laws of the Commonwealth, located within a dwelling, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, including care provided to children who are relatives of the provider, where such use shall be secondary to the use of the dwelling for living purposes.

FAMILY PLOT: Any property used for interring dead persons or domestic pets, the use of which is restricted to the members of a family and which property is owned and operated by the members of that family.

FEED LOT: See CONCENTRATED FEED LOT.

FENCE OR WALL: A structure designed for the purpose of enclosing space or separating parcels of land. The term “fence or wall” shall not include retaining walls which are designed and approved in accordance with the Township Grading Ordinance.

FINANCIAL INSTITUTION: A bank, savings and loan association or similar institution that lends money or is engaged in a finance related business.

FLOOD PLAIN: Areas adjoining any river, stream, pond or lake subject to the 100-year-recurrence-interval flood as delineated by the U.S. Army Corps of Engineers or subject to erosion caused by a 100-year-recurrence-interval flood, as well as any areas identified in the future by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines subject to the review and approval of a professional engineer selected by the Township.

FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve and land development.

FRONT BUILDING LINE: See BUILDING LINE, FRONT.

FRONT LOT LINE: See LOT LINE, FRONT.

GARAGE, PRIVATE: An accessory structure or a portion of the principal building, enclosed on not less than three (3) sides, not being accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building.

GARAGE, PUBLIC: A building, other than a private garage, containing two (2) or more parking spaces accessible to the general public used for the storage or parking of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, but not including the repair of vehicles or the storage of dismantled or wrecked motor vehicles, or “Junk”, as defined by this Ordinance.

GARAGE, REPAIR: See REPAIR GARAGE.

GARDEN APARTMENT: See “G” under DWELLING TYPES.

GARDEN NURSERY: A retail establishment that sells flowers, plants, trees and other natural flora and products which aid their growth and care and which may include a greenhouse or the growing of plant material outside on the lot.

GOLF COURSE: A recreational facility which has a course, with a minimum of nine (9) regulation size holes, for playing golf as its principal use and which may have a clubhouse, locker rooms, restaurant, swimming pool, pro shop, facilities for racquet sports, maintenance facilities and similar facilities as accessory uses.

GREENHOUSE: The indoor raising of plants, shrubs and trees for sale and transplantation.

GROSS FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building measured between exterior faces of walls.

GROUP CARE FACILITY: See “H” under DWELLING TYPES.

HEALTH CLUB: A commercial recreational enterprise or private club which has as a principal use a gymnasium, swimming pool or other sports facility and which may offer massages, whirlpool baths, steam rooms, saunas and/or medical facilities as accessory uses to the principal use.

HEIGHT OF BUILDING: See BUILDING HEIGHT.

HEIGHT OF STRUCTURE: The vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

HOME GARDENING: The growing of flowers, plants or vegetables for consumption by the persons residing on the premises, including backyard composting for personal use and noncommercial greenhouses not exceeding one hundred fifty (150) square feet in gross floor area.

HOME OCCUPATION: An accessory use of a service character, other than a no impact home-based business, conducted entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the character of the dwelling.

HOSPITAL: An establishment licensed by the Commonwealth for the care of human patients suffering from physical or mental illnesses, and which may or may not include facilities for major surgery and which may be publicly or privately operated.

HOSPITAL, ANIMAL: See ANIMAL HOSPITAL.

HOTEL: See HOTEL/MOTEL.

HYDRAULIC FRACTURING (FRACKING): The process of injecting water, customized fracking fluid, steam, or gas into an oil or gas well under pressure to break apart rock layers in order to release gas and improve recovery of gas.

IMPERVIOUS SURFACE: Surfaces with a coefficient of runoff greater than 0.85, including all buildings, parking areas, driveways, streets, sidewalks and areas paved in concrete and asphalt and any other areas determined by the Township Engineer to be impervious within the meaning of this definition.

INDOOR AMUSEMENT: A theater, arena, bowling alley, pool hall, skating rink or similar cultural or recreational facility located within a completely enclosed building, excluding those facilities which are accessory to a church or school.

JUNK YARD: Any premises devoted wholly or in part to the storage, buying or selling, salvaging, recycling or otherwise handling or dealing in scrap metals, building materials, scrapped or used appliances or other household goods, fixtures, vehicles and vehicle parts, machinery and machinery parts or other forms of discarded materials.

KENNEL: A structure and/or premises where one (1) or more dogs or cats who are six (6) months or older that are not owned by the property owner or where four (4) or more dogs or cats, who are six (6) months or older that are owned by the property owner, are kept, bred, trained or boarded at any one time, whether for profit or not.

LAKES AND PONDS: Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams or result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than permanent pool if there is any difference. Lakes are bodies of water two (2) or more acres in surface area; ponds are bodies of water less than two (2) acres in surface area.

LAND DEVELOPMENT PLAN: A plan prepared in accordance with the application requirements of the Township Subdivision and Land Development Ordinance for approval of a land development, as defined herein.

LANDFILL: Any site licensed by the Pennsylvania Department of Environmental Protection (PA DEP) for the disposal of solid waste, other than hazardous waste, as defined and regulated by Federal Statute.

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

LANDSCAPING PLAN: A plan prepared by a person knowledgeable in the characteristics of plant materials and the proper techniques for installing and maintaining them, including a registered architect or landscape architect or a member of the American Nurserymen's Association, identifying each tree and shrub by size, type and scientific name; the location of each, including a planting diagram; and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees to be preserved, if any.

LANDSLIDE SUSCEPTIBILITY: Areas of moderate to high susceptibility to landsliding produced by the influence of natural and/or man-made activity.

LIGHT MANUFACTURING: The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats and similar activities.

LIVESTOCK: Any member of the bovine or equine species and other animals customarily found on a farm, including, but not limited to cows, steers, horses, ponies, mules, donkeys, llamas, alpacas, sheep, goats, pigs, chickens, peacocks and other fowl or game animals raised for profit.

LOCAL STREET: See STREET, LOCAL.

LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit.

LOT, CORNER: See CORNER LOT.

LOT OF RECORD: Any lot which, individually, or as part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Washington County.

LOT AREA: The total area within the lot lines, excluding the area within any street right-of-way.

LOT COVERAGE: That percentage of the lot area covered by the principal building or buildings and all accessory buildings and structures, including, but not limited to, decks, swimming pools, storage sheds, garages and similar structures.

LOT, DEPTH OF: The mean distance from the street right-of-way line to its opposite rear lot line, generally measured parallel to the side lot lines.

LOT FRONTAGE: That portion of the lot which adjoins the street right-of-way or through which access is provided to a public street.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or other public space.

LOT LINE, FRONT: That lot line which is contiguous with the street centerline or the street right-of-way line. In the case of a lot which has no frontage on a street, the front lot line shall be the lot line through which vehicular access is provided, regardless of which way the dwelling faces.

LOT LINE, REAR: That lot line which is generally opposite the front lot line.

LOT LINE, SIDE: Any lot line which is not a front lot line or rear lot line.

LOT WIDTH: The straight line distance between the point of intersection of the front building line with the side lot lines.

MEDIATION: A voluntary negotiating process in which parties to a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MID-RISE APARTMENT: See “E” under DWELLING TYPES.

MINERAL REMOVAL: Any extraction of any mineral for sale or other commercial purpose which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term “mineral” includes, but is not limited to, anthracite and bituminous coal, lignite, including mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mine openings, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral sources.

MINI-WAREHOUSE OR SELF-STORAGE FACILITY: A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembling operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT: A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MODULAR DWELLING: See “I” under DWELLING TYPES.

MOTEL/HOTEL: An establishment which offers transient overnight lodging accommodations to the general public and which also may provide additional supporting services such as restaurants, meeting rooms, recreation, facilities and living quarters for a resident manager or proprietor.

MULTIFAMILY DWELLING: See “F” under DWELLING TYPES.

MUNICIPAL FACILITY: Buildings, structures and land uses owned and occupied by Hanover Township or any of its agencies and used to provide services to the residents of the Township. Municipal facilities may include, but not be limited to, Township administrative offices, public works buildings, storage yards, libraries, fire company buildings, senior centers and recreation facilities and buildings.

NATURAL GAS PROCESSING FACILITY: A facility that receives natural gas and associated hydrocarbons from a gathering line system serving one (1) or more well sites that compresses, condenses, pressurizes or otherwise treats natural gas and which removes or separates materials such as ethane, propane, butane and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, including, but not limited to: cooling facilities, storage tanks and related equipment and facilities.

NO IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

NONCOMMERCIAL RECREATION: See RECREATION, NONCOMMERCIAL.

NONCONFORMING LOT: Any lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE: A structure or part of a structure which does not comply with the applicable area and bulk provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include but are not limited to, nonconforming signs.

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

NUDITY: The appearance of a human bare buttock, anus, male or female genitals or female breast.

NURSING HOME: An institution licensed by the Commonwealth for the care of human patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

OFFICES: See BUSINESS OR PROFESSIONAL OFFICES.

OIL AND GAS: Crude oil, natural gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through and below the surface of the earth.

OIL AND GAS DRILLING: The removal of oil and gas resources from the ground by means of drilling, as defined herein, in accordance with a valid permit issued by the Pennsylvania Department of Environmental Protection (PA DEP) under the provisions of the PA Oil and Gas Act (58 P.S. §601.101 - §602.605), as now or hereafter amended.

OIL AND GAS DRILLING SUBSURFACE FACILITIES: Activities performed under the surface of the ground that are part of the operation of oil and gas drilling, as defined herein, located on properties within the unit for a particular well site, but that are not included in the well site, including, but not limited to: horizontal drilling and hydraulic fracturing zones, underground gathering and transmission pipelines established in accordance with Public Utility Commission (PUC) guidelines, water distribution lines and similar underground facilities incidental to oil and gas drilling.

OPEN SPACE: An area of land or water on a development site in which no structures are permitted and which is set aside for the use and enjoyment of the general public or the owners and tenants of property which adjoins the open space.

OPERATOR: Any person, partnership, company or corporation and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing or transporting oil and gas.

OWNER: See LANDOWNER.

PARKING AREA: A portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this Ordinance.

PARKING SPACE: A portion of a garage or parking area designated for the parking of one (1) motor vehicle in accordance with the requirements of this Ordinance.

PERSONAL CARE BOARDING HOME: See “J” under DWELLING TYPES.

PERSONAL SERVICES: Any enterprise providing services to a person, their apparel or personal effects commonly carried on or about their person, including, but not limited to, shoe repair, tailoring, clothes cleaning, water repair, beauty shops, barber shops and the like.

PERSONAL WIND ENERGY SYSTEM: See WIND ENERGY SYSTEM, PERSONAL.

PET GROOMING: Any establishment that offers services for domestic pets, including bathing, trimming, manicuring, massaging or other services to maintain the animals’ well-being and which may sell pet care products and pet supplies as an accessory use, but not including an animal hospital or kennel, as defined herein.

PETS, DOMESTIC: See DOMESTIC PETS.

PLANNED BUSINESS PARK: A site under single ownership and control at the time and application is filed that is proposed to be developed as a unit for two (2) or more buildings containing business or professional offices, research and development facilities or light manufacturing in a campus environment utilizing common means of access, parking and loading and uniform signage and may include other shared features.

PLANNED RESIDENTIAL DEVELOPMENT: A site controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one zoning district.

PLANNING COMMISSION: The Planning Commission of Hanover Township, Washington County, Pennsylvania.

PRE-SCHOOL FACILITY: An establishment which offers private educational services to children who are under the minimum age for education in public schools.

PRINCIPAL BUILDING OR STRUCTURE: The building or structure in which the principal use is conducted.

PRINCIPAL USE: The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

PRIVATE: Owned, operated or controlled by an individual, group of individuals, association or corporation, not for profit, and restricted to members and their guests.

PRIVATE CLUB: Any establishment, other than a Sportsmen's Club, operated by a legally chartered organization for social recreational, educational, fraternal or sororal purposes, which is open only to members and their guests and not to the general public.

PRIVATE GARAGE: See GARAGE, PRIVATE.

PRIVATE STABLE: The keeping of horses and/or ponies for personal use and enjoyment of the residents of the lot, not involving any profit-making activity.

PRIVATE STREET: a street, including the entire private right-of-way, which is privately owned and maintained and which is intended for private, rather than public use.

PRIVATE USE HELIPAD: A helicopter landing pad licensed by the Pennsylvania Department of Transportation, Bureau of Aviation and regulated by the Federal Aviation Administration which is owned by a private entity and restricted to use by helicopters owned by such entity.

PROFESSIONAL OFFICES: See BUSINESS OR PROFESSIONAL OFFICES.

PROTECTED STRUCTURE: Any occupied residence, business, school, church or public building located within one thousand (1,000) feet of a natural gas well head, as defined herein, that may be impacted by noise generated from the drilling or hydraulic fracturing at the well site, as defined herein, excluding any structure owned by an oil or gas lessor who has signed a lease with the Operator granting surface rights to drill the subject well or whose owner or occupants have signed a waiver relieving the Operator from complying with the noise abatement provisions of this Ordinance.

PUBLIC: Owned, operated or controlled by a government agency, Federal, State, County or local.

PUBLIC GARAGE: See GARAGE, PUBLIC.

PUBLIC MEETING: A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act”.

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC RECREATION: See RECREATION, PUBLIC.

PUBLIC UTILITY INSTALLATION: Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment or any part of the essential public utility installations, as defined herein, provided by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Hanover Township which is reasonably necessary to furnish adequate services to the general public both within Hanover Township and outside the Township, including, but not limited to, long distance transmission facilities such as electrical power lines or high pressure natural gas or petroleum lines, switching facilities, substations and similar facilities.

QUADRUPLEX: See “D” under DWELLING TYPES.

RECREATION, COMMERCIAL: An enterprise operated for profit by other than a public entity, either indoors or outdoors for the pursuit of sports, recreation or leisure activities, including, but not limited to, such establishments as miniature golf, golf or batting practice facilities, bowling alleys, ice or roller rinks, playing fields, racquet clubs, swimming pools, theaters, dance halls, amusement parks, amphitheaters and similar facilities.

RECREATION, NONCOMMERCIAL: An enterprise operated by an individual, association or corporation, other than a public entity, whether or not for profit, and whether or not the facilities are advertised to the general public, including sports, recreation or leisure activities, the use of which is limited to members and their guests including, but not limited to, such establishments as country clubs, golf courses, sportsmen’s clubs, golf practice facilities, playing fields, tennis or racquet clubs, swimming pools and similar facilities.

RECREATION, PUBLIC: An enterprise operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.

RECREATIONAL VEHICLE: A single axle or multiple axle structure mounted on wheels or otherwise capable of being made mobile, either with its own motive power or designed to be mounted on or drawn by an automotive vehicle, for the purpose of travel, camping, vacation and recreational use, including, but not limited to: travel trailers, mobile homes, motor homes, tent trailers, boats, boat trailers, pick-up campers, horse trailers, snow mobiles, motorcycles and all-terrain vehicles.

REPAIR GARAGE: A building, or part thereof, used for the servicing and repair of motor vehicles, including engine overhaul, body work and recapping/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside a “Completely Enclosed Building”, as defined by this Ordinance.

REPAIR SHOP: A service establishment providing maintenance and repairs of items that can be carried in by hand, including personal effects (such as jewelry, watches, bicycles), small household appliances, office equipment, small gasoline engines and similar items, but not including repair of large appliances, motorized vehicles or heavy equipment.

RESEARCH AND DEVELOPMENT: Any establishment, including laboratories, which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include supporting storage and transportation facilities.

RESTAURANT: An establishment which offers food and beverages for sale and consumption either on or on and off the premises as the principal use and may serve alcoholic beverages for consumption on the premises as an accessory use.

RETAIL BUSINESS: The sale on the premises of commodities and/or services directly to consumers, but not including the manufacturing or processing of any products.

RETAIL BUSINESS, SMALL: A retail business, as defined herein, with a gross floor area not exceeding five thousand (5,000) square feet.

RETIREMENT COMMUNITY: A residential development designed primarily or exclusively for occupancy by elderly or retired persons and which features one (1) or more of the following special services associated with the needs of elderly or retired persons such as transportation, limited nursing facilities, dispensaries, common dining facilities, minimum maintenance, laundry service, recreation programs, personal services (such as beauty and barber shops, or cleaner’s valet service), florist and/or gift shop, doctor’s offices branch bank, postal service and similar services or facilities.

RIGHT-OF-WAY: An easement or an area of land reserved or dedicated for public or private purposes to provide access across private property.

SANITARY SEWER, PRIVATE: An on-lot disposal system providing for the disposal of effluent for one (1) building and its accessory building on a single lot, subject to the approval of the Washington County Local Cooperative Sanitation Council.

SANITARY SEWER, PUBLIC: Any municipal or privately owned sewer system in which sewage is collected from more than one (1) lot and piped to an approved sewage disposal plant or approved community treatment system, including capped sewers which are installed to Township specifications.

SCHOOL, PUBLIC AND PRIVATE: An accredited institution of learning which offers elementary and secondary level instruction or which offers associate, bachelor or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania.

SELF-STORAGE FACILITY: See MINI-WAREHOUSES/SELF-STORAGE FACILITY.

SERVICE STATION, AUTOMOBILE: A retail establishment which provides for one (1) or more of the following activities:

- A. The servicing of motor vehicles and operations incidental thereto and limited to one or more of the following activities: the retail sale of petroleum products; retail sales and installation of automotive accessories; automobile washing by hand; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; installation of accessories; and State Inspection; and/or
- B. The following operations, if conducted within a "Completely Enclosed Building" as defined by this Ordinance: lubrication of motor vehicles; replacement of exhaust systems; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; and/or
- C. The operation of a convenience food store, provided retail sale of petroleum products is a part of the operation.

SEXUAL CONDUCT: Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions or acts of masturbation, excretory functions, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breast.

SHALLOW WELL SITE FOR OIL AND GAS DRILLING: Oil and gas drilling, as defined herein, drilled to depths shallower than the base of the Elk Sandstone or its stratigraphic equivalent and any well site that proposes drilling of a single well for no more than seven (7) consecutive days total in any calendar year.

SHOPPING CENTER: A site under one ownership and control which is developed as a unit for two (2) or more retail businesses in one (1) or more buildings and designed with shared parking, loading and access facilities.

SIGN: Any structure or device used to attract attention by word or graphic display.

SIGN, SURFACE AREA OF: The area enclosed by one continuous line, connecting the extreme points or edges of an advertising panel containing letters; or the sum of the areas of each letter, in the case of free standing letters which are mounted on a building wall, rather than painted on or affixed to an advertising panel. In the case of freestanding pole or ground signs, this area shall not include the main supporting sign structure, but shall include all other ornamental attachments and connecting features which are not part of the main supports of the sign. In the case of letters which are painted on or affixed to an awning or canopy, rather than mounted on a wall or affixed to an advertising panel, the area of the sign shall be the area of the geometric shape formed by outlining the height and width of all of the letters, including the space between the individual letters. For two sided signs, only one (1) face is counted in computing the surface area.

SINGLE FAMILY DWELLING: See "A" under DWELLING TYPES.

SITE: A tract of land or one (1) or more contiguous lots proposed for development.

SITE AREA: The total area within the boundary lines of a site proposed for development, expressed in acres or square feet.

SLOPE: The degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise/descent in elevation by the number of feet of horizontal distance, expressed as a percentage.

SMALL RETAIL BUSINESS: See RETAIL BUSINESS, SMALL.

SOLID WASTE DISPOSAL: The ultimate disposition of unwanted or discarded materials from households and businesses, including garbage and nonrecyclable materials with insufficient liquid content to be free flowing.

SPECIAL EXCEPTION: See USE BY SPECIAL EXCEPTION.

STABLE, PRIVATE: See PRIVATE STABLE.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it, excluding cellars.

STREET: A public or recorded private right-of-way which affords primary means of vehicular access to abutting property but not including alleys.

STREET LINE: The legal right-of-way line which forms the dividing line between the street and the lot.

STREET, PUBLIC: A public right-of-way dedicated and open for public use which has been adopted by the Township, County, Commonwealth or other governmental body.

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

STRUCTURE, HEIGHT OF: See HEIGHT OF STRUCTURE.

STRUCTURAL ALTERATIONS: A change or re-arrangement of the structural parts or in the exit facilities, or an enlargement or diminution of the structure, whether by extending on the side or increasing the height or depth, or the moving from one location or position to another.

SUBDIVISION: The division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts or parcels or other division of land including any changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SWIMMING POOL: Any body of water or receptacle for water having a depth at any point greater than two (2) feet and a surface area greater than one hundred (100) square feet, used or intended to be used for swimming or bathing and constructed, installed or maintained outside any building.

TAVERN: See BAR OR TAVERN.

TEMPORARY CONSTRUCTION TRAILER: See CONSTRUCTION TRAILER, TEMPORARY.

TOURISM: An activity or business enterprise not otherwise defined and regulated by this Ordinance that attracts and serves people visiting the area for educational, leisure or vacation purposes directly related to the available historic, agricultural and recreational resources of the immediate area, including, but not limited to bait and tackle shops, fishing tournaments, campgrounds, demonstration or exhibit farms, farm stays,

nature, game or wildlife preserves, museums, re-enactments or encampments, wineries, fish hatcheries, worm farms, seasonal farm festivals, educational activities, hayrides, pick your own produce, country stores and similar uses that draw people from outside the immediate area. (See also BED AND BREAKFAST, SPORTSMEN'S CLUB and COMMERCIAL RECREATION which are not included in the definition of TOURISM and are regulated separately).

TOWNHOUSE: See "K" under DWELLING TYPES.

TOWNSHIP: The Township of Hanover, Washington County, Pennsylvania.

TRAFFIC STUDY: A report prepared by a qualified traffic engineer utilizing the manuals and methodologies of the Institute of Transportation Engineers (ITE) to analyze: (1) projected traffic volumes associated with a proposed development; (2) inventory of existing roadway and traffic conditions in the vicinity of the site, including traffic controls, peak hour and average daily traffic, planned roadway improvements by others, lane widths and roadway conditions; (3) existing and future levels of service of streets, intersections and driveways in the immediate vicinity of the plan with and without the proposed development; access to the site utilizing PennDOT criteria and on-site circulation (pedestrian and vehicular) and traffic controls; and (4) recommendations for mitigating negative impacts and maximizing positive impacts.

TRANSITIONAL DWELLING: See "L" under DWELLING TYPES.

TRIPLEX: See "C" under DWELLING TYPES.

TWO FAMILY DWELLING: See "B" under DWELLING TYPES.

USE: The purpose, business or activity for which any land or structure is utilized.

USE BY SPECIAL EXCEPTION: A use authorized by this Ordinance which may be granted only by the Zoning Hearing Board following a public hearing subject to express standards and criteria contained in this Ordinance.

VARIANCE: A departure from the specific regulations of this Ordinance which may be granted by the Zoning Hearing Board in accordance with the criteria established by the Pennsylvania Municipalities Planning Code (Act 247, as amended) for a particular piece of property which, because of special circumstances applicable to it, cannot be developed in compliance with the literal terms of this Ordinance without undue physical hardship.

VEHICLE ACCESSORIES SALES AND INSTALLATION: An establishment engaged in the retail sales and installation of accessories for trucks, automobiles and motorcycles, including, but not limited to such items as tires, hubcaps, mirrors, seat covers, floor mats, tonneau covers, truck caps, windshields, windshield wipers, trim packages, running boards and the like, but not including any mechanical parts.

VEHICLE RENTAL, SALES AND SERVICE: The rental, sales and service of automobiles, motorcycles and trucks under 26,000 pounds GVW, but not including any heavy equipment or any other vehicle or equipment which is not classified as a “motor vehicle” under the Pennsylvania Motor Vehicle Code.

WAREHOUSE: A building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles. Warehousing which is incidental to retail sales and which does not constitute in excess of thirty percent (30%) of the total floor area of the retail establishment shall be excluded from this definition.

WELL HEAD: The precise point of entry into the ground where drilling takes place including the structure that is placed over the opening upon completion of drilling and that is maintained during production.

WELL SITE: All of the area occupied by the drilling equipment, as defined herein, and all surface facilities, structures, water and other fluid storage impoundments and storage tanks and associated equipment including tanks, meters and other permanent or temporary structures and equipment incidental to oil and gas drilling, as defined herein, including facilities and equipment necessary for site preparation, site construction, drilling, hydraulic fracturing, site restoration, production and operation of the well upon completion of drilling.

WHOLESALE BUSINESS: An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, or acting as a broker for such merchandise sales.

WIND ENERGY SYSTEM, PERSONAL: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics primarily for private use to reduce on-site consumption of utility power.

WIND FARM: An area of land under common ownership or control containing one (1) or more wind turbines used primarily for generating electricity to off-site customers, including substations, meteorological towers to measure wind speed, cables, wires and other accessory structures and buildings necessary to the operation of the facility.

WOODLANDS: Areas, groves or stands of mature or largely mature trees which are greater than six inches (6”) caliper (diameter) at a height of fourteen inches (14”) above the ground which cover a land area greater than one-quarter (.25) of an acre; or any grove of more than ten (10) individual trees which are mature having a caliper (diameter) greater than twelve inches (12”) at a height of fourteen inches (14”) above the ground.

WORKOVER OPERATIONS: The work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.

YARD: A required open space located on a lot which is unobstructed by any portion of a principal structure, other than certain projections expressly permitted by this Ordinance.

YARD, FRONT: A yard extending between side lot lines across the full lot width from the street right-of-way line to a line parallel to the front lot line, the minimum horizontal distance required by this Ordinance.

YARD, SIDE: A yard extending from the required front building line to the rear lot line parallel to the side lot line, the minimum horizontal distance required by this Ordinance.

YARD, REAR: A yard extending across the rear of the lot between the required side yard lines parallel to the rear lot line, the minimum horizontal distance required by this Ordinance.

ZONING CERTIFICATE: A document issued by the Township Zoning Officer stating that the proposed use of a particular structure, building or lot conforms to the requirements of this Ordinance.

ZONING DISTRICT: An area accurately defined as to boundaries and location on the Zoning District Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this Ordinance.

ZONING DISTRICT MAP: The official map delineating the Zoning Districts of Hanover Township, Washington County, Pennsylvania, together with all amendments subsequently adopted which is incorporated in and made a part of this Ordinance by reference thereto.

ZONING HEARING BOARD: The Zoning Hearing Board of the Township of Hanover, Washington County, Pennsylvania.

ZONING OFFICER: That person appointed by the Hanover Township Board of Supervisors and charged with the responsibility of administering and enforcing this Ordinance.

ARTICLE III

DISTRICT REGULATIONS

SECTION 300 ZONING DISTRICT MAP

The Township is hereby divided into Zoning Districts, as shown on the official Zoning District Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning District Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Township Secretary and certified by the Township Engineer, and shall bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number _____, as amended, of Hanover Township, Washington County, Pennsylvania," together with the date of adoption of this Ordinance.

All amendments affecting district boundaries shall be noted on the Official Zoning District Map by the Township Engineer including the date of adoption, and shall be attested to by the Township Secretary.

No changes of any nature shall be made in the Official Zoning District Map or matter shown thereof except in conformity with the procedure set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Section 1701 of this Ordinance.

The Official Zoning District Map, which shall be located in the Township Municipal Building, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Township.

SECTION 301 ZONING DISTRICTS

The Township is divided into the districts set forth by this Ordinance and as shown by the district boundaries on the Official Zoning District Map. The Zoning Districts are:

- | | |
|-----|----------------------------------|
| R-P | Rural Preservation District |
| R-1 | Rural Residential District |
| N-S | Neighborhood Service District |
| C-1 | Highway Commercial District |
| I-B | Industrial and Business District |
| S-D | Special Development District |

SECTION 302 DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District Map, the following rules shall apply:

- A.** Boundaries indicated as appearing to follow the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- B.** Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines;
- C.** Boundaries indicated as appearing to follow municipal limits shall be construed as following municipal limits;
- D.** Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E.** Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow centerlines, and in the event of change in the location of streams, rivers and other bodies of water, shall be construed as moving with the actual body of water and following the centerline;
- F.** Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

SECTION 303 GENERAL DISTRICT REGULATIONS

The following regulations shall apply in all Zoning Districts:

- A.** Any use not specifically listed in the Authorized Uses for a Zoning District shall not be permitted in that Zoning District, unless such use is authorized by the Zoning Hearing Board as a use by special exception. The authority for the Zoning Hearing Board to grant approval of a use which is not specifically listed in the Authorized Uses for a Zoning District shall be limited to the N-S, C-1, I-B and S-D Districts where “Comparable Uses Not Specifically Listed” is included in the list of uses by special exception in the Zoning District subject to the applicable express standards and criteria specified in §1103.13 of this Ordinance.
- B.** Accessory uses or structures which are customarily accessory to principal structures or uses which are authorized as conditional uses or uses by special exception shall be permitted as accessory uses by right.
- C.** In all R-P, R-1 and N-S Zoning Districts, where single family dwellings either exist or are proposed, they shall be the only principal structure on a lot except where secondary dwellings for resident farm workers are authorized by this Ordinance.

- D.** In all Zoning Districts where authorized by this Ordinance, two (2) or more nonresidential buildings may occupy the same lot; and two (2) or more authorized nonresidential uses may occupy the same building, provided, in all cases, that all applicable requirements for each of the structures or uses can be met on the lot.

- E.** In all Zoning Districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory.

ARTICLE IV

R-P RURAL PRESERVATION DISTRICT

SECTION 400 PURPOSE

The purpose of the R-P, Rural Preservation District is to provide for agriculture and low density single family residential development in rural areas of the Township where public sewers are not available and to provide for accessory uses and compatible public and semi-public uses as conditional uses.

SECTION 401 AUTHORIZED USES

In the R-P, Rural Preservation, District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Agriculture, subject to Section 1208
- b. Boarding Stable, subject to Section 1208
- c. Communications Antenna mounted on an Existing Building, Public Utility Storage or Transmission Structure or Existing Communications Tower, subject to Section 1213.
- d. Essential Services
- e. Forestry
- f. Garden Nursery or Greenhouse, subject to Section 1208
- g. Kennel, subject to Section 1208
- h. Municipal Facility
- i. Oil and Gas Drilling Subsurface Facilities
- j. Pet Grooming
- k. Secondary Dwelling for Resident Farm Workers, subject to Section 1210
- l. Single Family Dwelling

2. Accessory Uses

The following accessory uses are permitted when accessory to any permitted use, conditional use or use by special exception authorized in this District:

- a. Accessory Structures, subject to §1203.3
- b. Accessory Uses customarily incidental to and on the same lot with an authorized principal use.
- c. No Impact Home-Based Business, subject to Section 1214
- d. Off-Street Parking and Loading, subject to Article XIII

- e. On-Site Sales Accessory to a Farm, subject to Section 1212
- f. Private Residential Swimming Pools, subject to §1203.3
- g. Private Stables, subject to Section 1208
- h. Signs, subject to Article XIV

B. CONDITIONAL USES

1. Principal Uses

- a. Agribusiness, subject to §1103.2
- b. Animal Hospital, subject to §1103.3
- c. Cemetery, subject to §1103.9
- d. Compressor Station, subject to §1103.43
- e. Deep Well Site for Oil and Gas Drilling, subject to §1103.42
- f. Shallow Well Site for Oil and Gas Drilling, subject to §1103.42
- g. Tourism, subject to §1103.35
- h. Wind Energy System, Personal, subject to §1103.40
- i. Wind Farm, subject to §1103.41

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Communications Tower, subject to §1103.12
- b. Mineral Removal, subject to §1103.23
- c. Mobile Home Park, subject to §1103.24

2. Accessory Uses

- a. Bed and Breakfast, subject to §1103.6
- b. Home Occupation, subject to §1103.18
- c. Off-Premises Directional Signs, subject to §1403.7

SECTION 402 AREA AND BULK REGULATIONS

In the R-P, Rural Preservation District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific permitted, conditional or special exception uses contained in Article XI.

A. MINIMUM LOT AREA:	
Agriculture, Nursery or Greenhouse	10 acres
Boarding Stable or Riding Academy	10 acres
Kennel	5 acres
Single Family Dwelling	2 acres
All Other Principal Uses	2 acres
B. MINIMUM LOT WIDTH:	200 feet
C. MAXIMUM LOT COVERAGE:	30%
D. MINIMUM FRONT YARD:	50 feet
E. MINIMUM REAR YARD:	
Principal Structures	50 feet
Accessory Structures	20 feet
F. MINIMUM SIDE YARD:	
Single Family Dwelling	20 feet
All Other Principal Structures	30 feet
Accessory Farm Structures	100 feet
All Other Accessory Structures	20 feet
G. SPECIAL YARD REQUIREMENTS:	See Section 1203
H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1204
I. MAXIMUM HEIGHT:	
All Principal Structures:	2 ½ stories but no more than 40 feet
Accessory Structures located within 50 feet of property line:	1 story but no more than 20 feet
Accessory Farm Structures:	40 feet
J. HEIGHT EXCEPTIONS:	See Section 1205

SECTION 403	PARKING AND LOADING	See Article XIII
SECTION 404	SIGNS	See Article XIV
SECTION 405	SCREENING AND LANDSCAPING	See Section 1202
SECTION 406	STORAGE	See Section 1209

ARTICLE V

R-1 RURAL RESIDENTIAL DISTRICT

SECTION 500 PURPOSE

The purpose of this District is to preserve natural features and resources while encouraging low density single family residential development suited to the natural conditions and to provide for accessory uses and compatible public and semi-public uses as conditional uses.

SECTION 501 AUTHORIZED USES

In the R-1, Rural Residential, District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Agriculture, subject to Section 1208
- b. Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Structure or Existing Communications Tower, subject to Section 1213
- c. Essential Services
- d. Forestry
- e. Municipal Facility
- f. Oil and Gas Drilling Subsurface Facilities
- g. Single Family Dwelling

2. Accessory Uses

The following accessory uses are permitted when accessory to any permitted use, conditional use or use by special exception authorized in this District:

- a. Accessory Structures, subject to §1203.3
- b. Accessory Uses customarily incidental to and on the same lot with an authorized principal use.
- c. No Impact Home-Based Business, subject to Section 1214
- d. Off-street Parking and Loading, subject to Article XIII
- e. On-Site Sales Accessory to a Farm, subject to Section 1212
- f. Private Residential Swimming Pools, subject to §1203.3
- g. Signs, subject to Article XIV

B. CONDITIONAL USES

1. Principal Uses

- a. Churches, subject to §1103.10
- b. Day Care Center or Pre-School Facility in a Church or School, subject to §1103.14
- c. Public Recreation, subject to §1103.29
- d. Public Utility Installation, subject to §1103.30
- e. Schools, subject to §1103.10

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

None

2. Accessory Uses

- a. Home Occupation, subject to §1103.18
- b. Off-Premises Directional Signs, subject to §1403.7

SECTION 502 AREA AND BULK REGULATIONS

In the R-1, Rural Residential, District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for specific permitted uses, conditional uses or uses by special exception contained in Article XI.

A. MINIMUM LOT AREA:

Agriculture, Nursery or Greenhouse	5 acres
Single Family Dwelling:	
With Public Sewers	25,000 sq. ft.
Without Public Sewers	1 acre
Golf Course	30 acres
All Other Principal Uses	1 acre

B. MINIMUM LOT WIDTH:		
	Single Family Dwelling	
	With Public Sewers	100 feet
	Without Public Sewers	150 feet
	All Other Principal Uses	150 feet
C. MAXIMUM LOT COVERAGE:		35%
D. MINIMUM FRONT YARD:		40 feet
E. MINIMUM REAR YARD:		
	Principal Structures:	40 feet
	Accessory Structures:	See §1203.3
F. MINIMUM SIDE YARD:		
	Single Family Dwelling	20 feet
	All Other Principal Structures	20 feet
	Accessory Structures	See §1203.3
G. SPECIAL YARD REQUIREMENTS:		See Section 1203
H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:		See Section 1204
I. MAXIMUM HEIGHT:		
	All Principal Structures	2 ½ stories but no more than 40 feet
	All Accessory Structures:	1 story but no more than 20 feet
J. HEIGHT EXCEPTIONS:		See Section 1205
SECTION 503	PARKING AND LOADING	See Article XIII
SECTION 504	SIGNS	See Article XIV
SECTION 505	SCREENING AND LANDSCAPING	See Section 1202
SECTION 506	STORAGE	See Section 1209

ARTICLE VI

N-S NEIGHBORHOOD SERVICE DISTRICT

SECTION 600 PURPOSE

The purpose of this District is to provide opportunities for the growth of small businesses in the Township in location convenient to neighborhood residents and to provide for more dense residential development and the public and semi-public uses associated with neighborhood development.

SECTION 601 AUTHORIZED USES

A. PERMITTED USES

1. Principal Uses

- a. Business or Professional Offices
- b. Essential Services
- c. Garden Apartments
- d. Municipal Facility
- e. Oil and Gas Drilling Subsurface Facilities
- f. Personal Services
- g. Pet Grooming
- h. Restaurant
- i. Single Family Dwelling
- j. Townhouses
- k. Two Family Dwelling

2. Accessory Uses

The following accessory uses are permitted when accessory to any permitted use, conditional use or use by special exception authorized in this District:

- a. Accessory Structures, subject to §1203.3
- b. Accessory Uses customarily incidental to and on the same lot with an authorized principal use.
- c. Drive-through Facilities, subject to Section 1206
- d. No-Impact Home-Based Business, subject to Section 1214
- e. Off-street Parking and Loading, subject to Article XIII
- f. Private Residential Swimming Pools, subject to §1203.3
- g. Signs, subject to Article XIV
- h. Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1207

B. CONDITIONAL USES

1. Principal Uses

- a. Apartment in Combination with Office or Retail, subject to §1103.4
- b. Automobile Service Station, subject to §1103.5
- c. Commercial Recreation, subject to §1103.11
- d. Day Care Center, subject to §1103.14
- e. Group Care Facility or Personal Care Boarding Home, subject to §1103.17
- f. Noncommercial Recreation, subject to §1103.29
- g. Neighborhood Services, including and limited to the following uses, subject to §1103.25:
 - 1. Car Wash
 - 2. Convenience Store
 - 3. Garden Nursery
 - 4. Indoor Amusement
 - 5. Small Retail Business
 - 6. Vehicle Accessory Sales and Installation
- h. Nursing Home, subject to §1103.19
- i. Private Club, subject to §1103.27
- j. Public Utility Installation, subject to §1103.30
- k. Temporary Use or Structure, other than a Construction Trailer, Model Home or Sales Office, subject to §1103.34
- l. Transitional Dwelling, subject to §1103.17
- m. Vehicle Rental, Sales and Service, subject to §1103.38

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

None

2. Accessory Uses

- a. Bed and Breakfast, subject to §1103.6
- b. Family Day Care Home, subject to §1103.15
- c. Home Occupation, subject to §1103.18
- d. Off-Premises Directional Signs, subject to §1403.7

SECTION 602 AREA AND BULK REGULATIONS

In the N-S, Neighborhood Service, District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses or uses by special exception contained in Article XI.

A. MINIMUM LOT AREA:

Garden Apartments and Townhouses	1 acre
All Other Uses	10,000 sq. ft.

B. MINIMUM LOT WIDTH:

Garden Apartments and Townhouses	100 feet
All Other Uses	75 feet

C. MAXIMUM LOT COVERAGE: 40%

D. MAXIMUM DWELLING UNIT DENSITY: 8 units per acre

E. MINIMUM DISTANCE BETWEEN BUILDINGS: 20 feet

(Where two (2) or more buildings exist on the same lot)

F. MINIMUM FRONT YARD: 35 feet

G. MINIMUM REAR YARD:

All Principal Structures:	
Adjoining any "R" District	40 feet
All Others:	20 feet
Accessory Structures	10 feet

H. MINIMUM SIDE YARD:

All Principal Structures:	
Adjoining any "R" District	40 feet
All Others:	10 feet
Accessory Structures	10 feet

I. SPECIAL YARD REQUIREMENTS: See Section 1203

J. PERMITTED PROJECTIONS INTO REQUIRED YARDS: See Section 1204

K. MAXIMUM HEIGHT:

All Principal Structures

3 stories but no more than 45 feet

All Accessory Structures

1 story but no more than 15 feet

L. HEIGHT EXCEPTIONS:

See Section 1205

SECTION 603 PARKING AND LOADING

See Article XIII

SECTION 604 SIGNS

See Article XIV

SECTION 605 SCREENING AND LANDSCAPING

See Section 1202

SECTION 606 STORAGE

See Section 1209

ARTICLE VII

C-1 HIGHWAY COMMERCIAL DISTRICT

SECTION 700 PURPOSE

The purpose of this District is to provide opportunities for commercial development which meets the general needs of the population within the market area for shopping and services and which allows for an integrated shopping center on one (1) or more larger sites which have access to the regional highway network.

SECTION 701 AUTHORIZED USES

In the C-1, Highway Commercial, District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Business Services
- b. Business or Professional Offices
- c. Commercial School
- d. Communications Antenna Mounted on an Existing Building or Public Utility Storage or Transmission Structure, subject to Section 1213
- e. Contracting Business
- f. Convenience Store
- g. Day Care Center
- h. Essential Services
- i. Financial Institutions
- j. Garden Nursery
- k. Indoor Amusement
- l. Motel/Hotel
- m. Municipal Facility
- n. Oil and Gas Drilling Subsurface Facilities
- o. Personal Services
- p. Pet Grooming
- q. Repair Shop
- r. Restaurant
- s. Retail Businesses
- t. Bar or Tavern
- u. Tourism
- v. Vehicle Accessory Sales and Installation

2. Accessory Uses

The following accessory uses are permitted when accessory to any permitted use, conditional use or use by special exception authorized in this District:

- a. Accessory Uses customarily incidental to and on the same lot with an authorized principal use.
- b. Drive-through Facilities, subject to Section 1206
- c. Off-Street Parking and Loading, subject to Article XIII
- d. Signs, subject to Article XIV
- e. Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1207

B. CONDITIONAL USES

1. Principal Uses

- a. Animal Hospital, subject to §1103.3
- b. Apartment in Combination with Business, subject to §1103.4
- c. Automobile Service Station, subject to §1103.5
- d. Billboards, subject to §1103.7
- e. Car Wash, subject to §1103.8
- f. Commercial Recreation, subject to §1103.11
- g. Comparable Uses Not Specifically Listed, subject to §1103.13
- h. Funeral Home, subject to §1103.16
- i. Hospital, Clinic or Nursing Home, subject to §1103.19
- j. Private Club, subject to §1103.27
- k. Public Parking Lot or Garage subject to §1103.28
- l. Public Utility Installation, subject to §1103.30
- m. Shopping Center, subject to §1103.32
- n. Temporary Use or Structure, other than a Construction Trailer, Model Home or Sales Office, subject to §1103.34
- o. Vehicle Rental, Sales and Service, subject to §1103.38
- p. Vehicle Repair Garage, subject to §1103.39

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

None

2. Accessory Uses

- a. Off-Premises Directional Signs, subject to §1403.7

SECTION 702 AREA AND BULK REGULATIONS

In the C-1, Highway Commercial, District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses contained in Article XI.

A. MINIMUM LOT AREA:

Without Public Sewers:	21,780 sq. ft.
With Public Sewers:	10,000 sq. ft.

- B. MINIMUM LOT WIDTH:** 100 feet

- C. MAXIMUM LOT COVERAGE:** 50%

- D. MINIMUM FRONT YARD:** 35 feet

E. MINIMUM REAR YARD:

All Principal Structures:	
Adjoining any "R" District	40 feet
All Others	20 feet
Accessory Structures:	10 feet

F. MINIMUM SIDE YARD:

All Principal Structures:	
Adjoining any "R" District	40 feet
All Others	15 feet
Accessory Structures:	15 feet

- G. SPECIAL YARD REQUIREMENTS:** See Section 1203

- H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:** See Section 1204

I. MAXIMUM HEIGHT:

All Principal Structures:	3 stories but no more than 45 feet
All Accessory Structures:	1 story but no more than 15 feet

J.	HEIGHT EXCEPTIONS:	See Section 1205
SECTION 703	PARKING AND LOADING	See Article XIII
SECTION 704	SIGNS	See Article XIV
SECTION 705	SCREENING AND LANDSCAPING	See Section 1202
SECTION 706	STORAGE	See Section 1209

ARTICLE VIII

I-B INDUSTRIAL AND BUSINESS DISTRICT

SECTION 800 PURPOSE

The purpose of this District is to provide for a mix of commercial and industrial uses in appropriate locations in the Township on sites which have adequate area to accommodate the uses and which can be reasonably buffered from adjoining areas.

SECTION 801 AUTHORIZED USES

In the I-B Industrial and Business, District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Business or Professional Offices
- b. Business Services
- c. Commercial School
- d. Communications Antenna Mounted on an Existing Building, Public Utility Storage or Transmission Structure or an Existing Communications Tower, subject to Section 1213
- e. Compressor Station, subject to §1103.43
- f. Contracting Business
- g. Contractor's Yard
- h. Essential Services
- i. Garden Nursery
- j. Light Manufacturing
- k. Lumber Yard
- l. Oil and Gas Drilling Subsurface Facilities
- m. Repair Shop
- n. Warehousing and Distribution
- o. Wholesale Business

2. Accessory Uses

The following accessory uses are permitted when accessory to any permitted use, conditional use or use by special exception authorized in this District:

- a. Accessory Uses customarily incidental to and on the same lot with an authorized principal use.
- b. Off-Street Parking and Loading, subject to Article XIII
- c. Signs, subject to Article XIV

- d. Temporary Construction Trailer, Model Home or Sales Office subject to Section 1207
- e. Dwelling on the Site of a Business

B. CONDITIONAL USES

1. Principal Uses

- a. Adult Businesses, subject to §1103.1
- b. Commercial Recreation, subject to §1103.11
- c. Communications Tower, subject to §1103.12
- d. Comparable Uses Not Specifically Listed, subject to §1103.13
- e. Compressor Station, subject to §1103.43
- f. Deep Well Site for Oil and Gas Drilling, subject to §1103.42
- g. Hospital, Clinic or Nursing Home, subject to §1103.19
- h. Junk Yard, subject to §1103.20
- i. Landfill, subject to §1103.21
- j. Mineral Removal, subject to §1103.23
- k. Mini-Warehouses or Self-Storage Buildings, subject to §1103.22
- l. Planned Business Park, subject to §1103.26
- m. Public Utility Installation, subject to §1103.30
- n. Shallow Well Site for Oil and Gas Drilling, subject to §1103.42
- o. Temporary Use or Structure, other than a Construction Trailer, Model Home or Sales Office, subject to §1103.34
- p. Truck and Heavy Equipment Rental, Sales, Service and Auction Yard, subject to §1103.36
- q. Truck Terminal, subject to §1103.37
- r. Vehicle Rental, Sales and Service, subject to §1103.38
- s. Vehicle Repair Garage, subject to §1103.39

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

None

2. Accessory Uses

- a. Off-Premises Directional Signs, subject to §1403.7

SECTION 802 AREA AND BULK REGULATIONS

In the I-B, Industrial and Business, District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses and uses by special exception contained in Article XI.

- A. MINIMUM LOT AREA:**
 - Without Public Sewers: 40,000 sq. ft.
 - With Public Sewers: 21,780 sq. ft.
- B. MINIMUM LOT WIDTH:** 100 feet
- C. MAXIMUM LOT COVERAGE:** 65%
- D. MINIMUM FRONT YARD:** 35 feet
- E. MINIMUM REAR YARD:**
 - All Principal Structures:
 - Adjoining any "R" District 50 feet
 - All Others 30 feet
 - Accessory Structures 15 feet
- F. MINIMUM SIDE YARD:**
 - All Principal Structures:
 - Adjoining any "R" District 50 feet
 - All Others 15 feet
 - Accessory Structures 15 feet
- G. SPECIAL YARD REQUIREMENTS:** See Section 1203
- H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:** See Section 1204
- I. MAXIMUM HEIGHT:**
 - All Principal Structures 50 feet
 - All Accessory Structures 25 feet
- J. HEIGHT EXCEPTIONS:** See Section 1205

SECTION 803	PARKING AND LOADING	See Article XIII
SECTION 804	SIGNS	See Article XIV
SECTION 805	SCREENING AND LANDSCAPING	See Section 1202
SECTION 806	STORAGE	See Section 1209

ARTICLE IX

S-D SPECIAL DEVELOPMENT DISTRICT

SECTION 900 PURPOSE

The purpose of this District is to guide campus-style developments to areas of the Township where easy access to major highways and utilities is available to minimize impact on the rural and residential areas of the Township.

SECTION 901 AUTHORIZED USES

In the S-D, Special Development, District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Business or Professional Offices
- b. Business Services
- c. Communications Antenna Mounted on an Existing Building, Public Utility Storage or Transmission Structure or an Existing Communications Tower, subject to Section 1213
- d. Essential Services
- e. Hotel/Motel
- f. Light Manufacturing
- g. Oil and Gas Drilling Subsurface Facilities
- h. Public Parking Lot; Public Parking Garage
- i. Research and Development
- j. Truck Terminal
- k. Warehousing and Distribution
- l. Wholesale Business

2. Accessory Uses

The following accessory uses are permitted when accessory to any permitted use, conditional use or use by special exception authorized in this District:

- a. Accessory Uses customarily incidental to and on the same lot with an authorized principal use.
- b. Signs, subject to Article XIV
- c. Off-Street Parking and Loading, subject to Article XIII
- d. Temporary Construction Trailer, Model Home or Sales Office subject to Section 1207

B. CONDITIONAL USES

1. Principal Uses

- a. Billboards, subject to §1103.7
- b. Commercial Recreation, subject to §1103.11
- c. Communications Tower, subject to §1103.12
- d. Comparable Uses Not Specifically Listed, subject to §1103.13
- e. Compressor Station, subject to §1103.43
- f. Deep Well Site for Oil and Gas Drilling, subject to §1103.42
- g. Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, subject to §1103.17
- h. Hospital, Clinic, Nursing Home, subject to §1103.19
- i. Mineral Removal, subject to §1103.23
- j. Natural Gas Processing Facility, subject to §1103.43
- k. Planned Business Park, subject to §1103.26
- l. Planned Residential Development, subject to Article X
- m. Public Recreation, subject to §1103.29
- n. Public Utility Installation, subject to §1103.30
- o. Retirement Community, subject to §1103.31
- p. Shallow Well Site for Oil and Gas Drilling, subject to §1103.42
- q. Supporting Commercial Uses in a Planned Business Park, subject to §1103.33
- r. Temporary Use or Structure, other than a Construction Trailer, Model Home or Sales Office, subject to §1103.34

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

None

2. Accessory Uses

- a. Off-Premises Directional Signs, subject to §1403.7

SECTION 902 AREA AND BULK REGULATIONS

In the S-D, Special Development, District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses and uses by special exception contained in Article XI.

A.	MINIMUM LOT AREA:	1 acre
B.	MINIMUM LOT WIDTH:	100 feet
C.	MAXIMUM LOT COVERAGE:	65%
D.	MINIMUM FRONT YARD:	35 feet
E.	MINIMUM REAR YARD:	
	All Principal Structures:	
	Adjoining any "R" District	75 feet
	All Others	40 feet
	Accessory Structures	20 feet
F.	MINIMUM SIDE YARD:	
	All Principal Structures:	
	Adjoining any "R" District	75 feet
	All Others	20 feet
	Accessory Structures	20 feet
G.	SPECIAL YARD REQUIREMENTS:	See Section 1203
H.	PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1204
I.	MAXIMUM HEIGHT:	
	All Principal Structures	60 feet
	All Accessory Structures	25 feet
J.	HEIGHT EXCEPTIONS:	See Section 1205
SECTION 903	PARKING AND LOADING	See Article XIII
SECTION 904	SIGNS	See Article XIV
SECTION 905	SCREENING AND LANDSCAPING	See Section 1202
SECTION 906	STORAGE	See Section 1209

ARTICLE X

PLANNED RESIDENTIAL DEVELOPMENT

SECTION 1000 PURPOSE

The purpose of these Planned Residential Development (PRD) regulations is to permit residential development which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical and efficient use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preserving the natural scenic qualities of open space.

SECTION 1001 APPLICABILITY AND RELATIONSHIP

A Planned Residential Development shall be permitted in the S-D, Special Development, District, subject to the standards, criteria, restrictions and procedures outlined in this Article.

The provisions of this Article for approval of a Planned Residential Development shall be modification to and in lieu of procedures and criteria for approvals otherwise required in this Ordinance and the Township Subdivision and Land Development Ordinance. Failure to comply with the provisions of this Article with respect to a recorded Development Plan shall be deemed to constitute a violation of this Ordinance.

SECTION 1002 SITE AREA, USE AND DENSITY REQUIREMENTS

In all cases, the minimum site required for a Planned Residential Development shall be forty (40) contiguous acres. Public easements or rights-of-way and public or private streets shall not be construed as an interruption or division of a site proposed for a PRD.

Permitted residential uses and dwelling unit densities in a Planned Residential Development shall be as follows in the Districts in which PRDs are authorized:

<u>Permitted Uses</u>	<u>Net Density</u> *
Single Family Dwellings	6 units per acre
Two Family Dwellings	
Triplexes	
Quadruplexes	
Townhouses	
Garden Apartments	
Mid-Rise Apartments	

***See definition of “Net Density” in Article II**

In addition to the residential uses permitted in a PRD, recreation facilities designed for the use of the residents of the PRD shall be permitted, including, but not limited to, hiking, biking or exercise trails; tennis, paddle tennis, basketball, volleyball or other playing courts; swimming pool and related facilities; golf course or putting green; community building for meetings and social activities; picnic pavilions; other active and passive recreational uses deemed appropriate to the proposed residents of the PRD by the Board of Supervisors.

SECTION 1003 SITE OWNERSHIP

The site proposed for a Planned Residential Development shall be under single ownership and control. Prior to submitting an application for Tentative Approval, the applicant shall demonstrate that he is the landowner, as defined by this Ordinance. Legal, as well as equitable, ownership shall be demonstrated coincident with approval of the Final Development Plan.

SECTION 1004 ACCESS AND AVAILABILITY OF PUBLIC SERVICES

- A.** The site of a PRD which contains multifamily dwellings shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance. The projected traffic volumes associated with the proposed PRD shall be capable of being accommodated by the adjacent street network. The developer shall demonstrate that the projected traffic from the PRD shall not materially increase congestion and impair safety on adjacent public streets.
- B.** Any PRD which contains multifamily dwellings shall be connected to public water and public sanitary sewer service.
- C.** In any instance where the Township determines that public sewerage and water facilities are available and are capable of being extended to the development site, the developer shall connect the PRD to such facilities.
- D.** In the absence of public sewerage facilities, the developer shall provide a sanitary sewerage system within the PRD which is approved by the Pennsylvania Department of Environmental Protection (PA DEP) or any successor agency.
- E.** Central water service shall be supplied to each building or structure to be erected in a PRD.
- F.** The developer shall provide a storm drainage system within a PRD which shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within the PRD and shall be so constructed to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and the Township Stormwater Management Ordinance as now or hereafter enacted or amended.

SECTION 1005 ADMINISTRATION AND PROCEDURE

The PRD provisions of this Ordinance shall be administered by the Board of Supervisors. The Planning Commission shall review all applications on the basis of the standards specified in this Article and make a recommendation to the Board of Supervisors. The Board of Supervisors shall conduct the public hearings required by the Pennsylvania Municipalities Planning Code and shall have the final authority to approve, approve with conditions or disapprove a PRD.

1005.1 Pre-Application Conference

Each applicant shall confer with the Zoning Officer to schedule a pre-application conference. Upon written request of the applicant, the Zoning Officer shall schedule a pre-application conference with Township Officials. The conference shall include members or a designated representative of the Planning Commission and the Zoning Officer. The Township Solicitor, the Township Engineer, the Board of Supervisors or representatives thereof and local utility service representatives may be included, as deemed appropriate.

1005.2 Application for Tentative Approval

Within one hundred twenty (120) days following the pre-application conference, three (3) copies of an Application for Tentative Approval shall be submitted. The application shall be in sufficient detail for the Planning Commission to determine compliance with the standards of this Article and shall contain, at a minimum, the following information:

- a.** A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
- b.** A written statement of planning objectives to be achieved by the PRD through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development and its relationship to the immediate area in which it is to be located.
- c.** A written statement setting forth the reasons why the proposed PRD would be in the public interest and would be consistent with the Township's Comprehensive Plan.
- d.** A written statement of the modifications to Township Zoning and Subdivision regulations otherwise applicable to the property.
- e.** A location map which clearly shows the location and area of the site proposed for development with relation to all lands, buildings and structures within two hundred (200) feet of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.

- f. A Development Plan prepared at a scale no smaller than one inch equals fifty feet (1"=50') showing the following information:
1. Existing contours at intervals of five (5) feet; watercourse; floodplains; wetlands; woodlands; soils; steep slopes; and other natural features.
 2. Proposed lot lines and subdivision plat, if any.
 3. The location of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units and dwelling unit density. Preliminary elevations and architectural renderings shall be provided.
 4. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
 5. The existing and proposed vehicular circulation system of local and collector streets, including off-street parking areas, service areas, loading areas and major points of access from the PRD to public rights-of-way.
 6. The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system and proposed treatment for any points of conflict between the two (2) systems.
 7. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
 8. Subsurface conditions, including slope stability.
 9. A minimum of three (3) cross-sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, parking areas, walkways and existing woodlands.
 10. A general landscaping plan indicating the treatment and materials proposed to be used in buffer areas and common areas on the site.
 11. Evidence of compliance with the Environmental Performance Standards of §1201.1 of this Ordinance.
 12. Any additional information required to determine compliance with the requirements of this Article.

- g.** In the case of development plans which call for development over a period of years, a schedule for phasing the development shall be provided. This phasing schedule shall be reviewed annually with the Planning Commission on the anniversary of Tentative Approval or as each phase is completed, whichever occurs first.

1005.3 Public Hearing

Within sixty (60) days following the submission of an application for Tentative Approval of a PRD which contains all of the required documentation, a public hearing pursuant to public notice shall be held by the Board of Supervisors. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

The public hearing shall be conducted in the manner prescribed in Article XVI of the Pennsylvania Municipalities Planning Code and all references to the Zoning Hearing Board in Article XVI shall apply to the Board of Supervisors.

The Township may offer mediation as an aid in completing these proceedings, provided that, in exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1607 of this Ordinance.

1005.4 Tentative Approval

Within sixty (60) days following the conclusion of the public hearings, the Board of Supervisors shall, by written communication, either:

- a.** Grant Tentative Approval of the Development Plan, as submitted;
- b.** Grant Tentative Approval of the Development Plan, subject to specified conditions not included in the Development Plan as submitted; or
- c.** Deny tentative Approval.

Failure to act within said period shall be deemed to be a grant of Tentative Approval of the Development Plan as submitted. In the event, however, that Tentative Approval is granted subject to conditions, the landowner may, within thirty (30) days after receipt of the official written communication of the Board of Supervisors, notify the Board of Supervisors of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied Tentative Approval of the Development Plan. In the event that the landowner does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions, Tentative Approval of the Development Plan, with all said conditions, shall stand as granted.

SECTION 1006 CRITERIA FOR TENTATIVE APPROVAL

The Board of Supervisors shall grant Tentative Approval if and only if all applicable requirements of this Article are met and all of the following criteria are met:

- 1006.1** The proposed application for Tentative Approval complies with all standards, restrictions, criteria, requirements, regulations and procedures of this Ordinance; preserves the Community Development Objectives of this Ordinance; and is found by the Board of Supervisors to be compatible with the public interest and consistent with the Township's Comprehensive Plan.

- 1006.2** Where the proposed application for Tentative Approval provides standards which vary from this Ordinance and the Township Subdivision and Land Development Ordinance otherwise applicable to the subject property, such departure shall promote protection of the environment, and public health, safety and welfare and shall be in the public interest.

- 1006.3** The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this Ordinance and the amount and extent of improvements within the common open space are appropriate with respect to the purpose, use and type of the residential development proposed.

- 1006.4** The physical design of the proposed Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.

- 1006.5** The proposed Development Plan is beneficially related to the immediate area in which it is proposed to be located.

- 1006.6** The proposed Development Plan will afford adequate protection of natural watercourses, wetlands, topsoil, woodlands, steep slopes and other natural features and will prevent erosion, landslides, siltation and flooding.

- 1006.7** In the case of a Development Plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interests of the public and of the residents of the PRD in the integrity of the Final Development Plan.

SECTION 1007 APPLICATION FOR FINAL APPROVAL

After the Development Plan is granted Tentative Approval by the Board of Supervisors, the developer shall submit the application for Final Approval which shall consist of detailed plans for any phase or section of the Development Plan. No building permit shall be issued until Final Approval has been granted by the Board of Supervisors for

the phase or section in which the proposed development is located. Final Approval for any phase or section shall expire if construction is not initiated for the phase or section within one (1) year of the date of Final Approval of the Phase or section by the Board of Supervisors.

1007.1 In the event that an application for Final Approval has been filed, together with all drawings, specifications and other documentation in support thereof, in accordance with the requirements of this Ordinance and the official written communication granting Tentative Approval, the Board of Supervisors shall, within forty-five (45) days of such filing, grant Final Approval to the Development Plan.

1007.2 Changes in the location and siting of buildings and structures deemed minor by the Board of Supervisors may be authorized without additional public hearings, if required by engineering or other circumstances not foreseen at the time of Tentative Approve. However, gross and net density established at the time of Tentative Approval shall not be changed without a public hearing.

1007.3 The application for Final Approval shall comply with all applicable Ordinance provisions and the Development Plan shall include, as a minimum, the following information:

- a.** All data required by the Township Subdivision and Land Development Ordinance for a Final Plan.
- b.** Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.
- c.** The number of families to be housed in each building or structure and the intended use of each building or structure.
- d.** A Landscaping Plan, as defined by this Ordinance, including the location and types of materials of sidewalks, trails and recreation facilities authorized by this Ordinance.
- e.** Supplementary data, including any covenants, grants of easements or other restrictions to be imposed on the use of the land, buildings and structures and provisions for the ownership maintenance and operation of common open space facilities.
- f.** An engineering report which shall include the following data, wherever applicable:
 - 1.** Profiles, cross-sections and specifications for proposed public and private streets.

2. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers.
 3. Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.
- g.** An Erosion and Sedimentation Control Plan which shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation, including but not limited to, the following:
1. The topographic features of the site;
 2. The types, depth, slope and extent of the soils by area;
 3. The proposed alterations to the site;
 4. The amount of runoff from the site area and the upstream watershed;
 5. The staging of earthmoving activities;
 6. Temporary control measures and facilities during earthmoving;
 7. Permanent control measures and facilities for long term protection;
 8. A maintenance program for the control facilities, including disposal of materials removed from the control facilities or site area.
- h.** In the event that the Final Development Plan as submitted contains variations from the plan granted Tentative Approval, the Board of Supervisors may refuse to grant Final Approval and shall, within forty-five (45) days from the filing of the application for Final Approval so advise the landowner, in writing, of such refusal. In the event of such refusal, the landowner may either:
1. Refile the Application for Final Approval without the variations objected to; or
 2. File a written request with the Board of Supervisors that it hold a public hearing on the Application for Final Approval.

If the landowner wishes to take either alternate action, he may do so at any time within which he shall be entitled to apply for Final Approval, or within thirty (30) additional days, if the time for applying for Final Approval shall have already passed at the time when the landowner was advised that the Development Plan was not in substantial compliance.

If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the Development Plan.

- i. Any public hearing held on an Application for Final Approval shall be held pursuant to public notice within thirty (30) days after the request for the hearing is made by the landowner and the hearing shall be conducted in the manner prescribed in this Article for public hearings on an application for Tentative Approval. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

Within thirty (30) days after the conclusion of the public hearing, the Board of Supervisors shall, by official written communication, either grant or deny Final Approval. The grant or denial of Final Approval of the Development Plan shall, in cases where a public hearing is required, be in the form and contain the findings required for an application for Tentative Approval.

1007.4 A final Development Plan, or any part thereof, which has been granted Final Approval shall be so certified without delay by the Board of Supervisors and shall be filed of record in the Office of the Recorder of Deeds before any development shall take place in accordance therewith. Approval for recording shall be subject to posting of the financial security required by the Township Subdivision and Land Development Ordinance for public and private improvements in the Development Plan.

1007.5 In the event that a Development Plan, or section thereof, is given Final Approval and thereafter the landowner shall abandon such plan, or section thereof, that has been finally approved, and shall so notify the Board of Supervisors in writing; or, in the event that the landowner shall fail to commence and carry out the Planned Residential Development in Accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after Final Approval has been granted, no development or further development shall take place on the

property included in the Development Plan until after said property is reclassified by enactment of an amendment to the Township Zoning Ordinance.

SECTION 1008 COMMON OPEN SPACE

1008.1 Areas Required

Within a Planned Residential Development, the following percentages of the total gross site area shall be devoted to the specified uses indicated:

- a. A minimum of thirty percent (30%) of the total site area shall be set aside and preserved for usable common open space. Where significant or unique natural amenities exist on the site, the Board of Supervisors shall have the authority to require the preservation of the amenities as part of the required common open space. These amenities may include, but are not limited to, natural features such as rock outcroppings, virgin timber, woodlands, ravines, ponds, stream beds and stream valleys.
- b. No more than seventy percent (70%) of the total site area shall be devoted to residential use which shall include buildings, streets, driveways, parking areas, private yards and courts which abut and serve residences.

1008.2 Protection of Common Open Space

Common open space in a Planned Residential Development shall be protected by adequate covenants running with the land or by conveyances or dedications. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth an organization and a plan for the permanent care and maintenance of such common open space, recreational areas and other facilities owned in common. No such instrument shall be acceptable until approved by the Board of Supervisors as to legal form and effect. In cases where the township will not be accepting dedications of streets, recreation areas or common open spaces, the developer shall provide for a Homeowners Association or similar organization or trust for ownership and maintenance of the common open space and common facilities.

1008.3 Common Open Space Maintenance

In the event that the organization established to own and maintain the common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all streets, driveways and recreational facilities, in reasonable order and condition in accordance with the Development Plan granted Final Approval, the Township may take remedial action to cause the common open space and common facilities to be properly maintained, as provided for in Section 705(f) of the Pennsylvania Municipalities Planning Code.

ARTICLE XI

EXPRESS STANDARDS AND CRITERIA FOR CERTAIN PERMITTED USES, CONDITIONAL USES AND USES BY SPECIAL EXCEPTION

SECTION 1100 APPLICABILITY

The following procedures shall apply to all applicants for approval of a conditional use or use by special exception in all Zoning Districts.

SECTION 1101 PROCEDURE FOR APPROVAL

1101.1 Approval of Conditional Uses

The Township Supervisors shall hear and decide requests for conditional uses; however, the Township Supervisors shall not approve a conditional use application unless and until:

- a. A written application for conditional use approval is submitted to the Zoning Officer no less than seven (7) calendar days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Ordinance under which conditional use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:
 - (1) Where warranted by the characteristics of the proposed use, the Township may require a current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 - (2) A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 - (3) A list of the names and addresses of all property owners within three hundred (300) feet of the entire perimeter of the property for which conditional use approval is requested taken from the most recent records of the Washington County Tax Assessors Office. At least fourteen (14) days prior to the public hearing, the Zoning Officer shall mail a copy of the notice by first class mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the notices by first class mail shall be paid by the applicant.
 - (4) A Traffic Study, as defined herein, prepared by a registered traffic engineer for the following proposed conditional uses:

[a] Any proposed use which involves the construction of thirty (30) or more multifamily dwelling units.

[b] Any proposed use in the N-S, C-1, I-B or S-D District which involves the construction of a new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more or which has forty (40) or more parking spaces.

(5) The application fee required by Section 1709 of this Ordinance.

- b.** A written recommendation is received from the Township Planning Commission or forty-five (45) days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.
- c.** A public hearing is commenced by the Township Supervisors pursuant to public notice and said hearing is scheduled no more than sixty (60) days following the date of submission of a complete and properly filed application, unless the applicant has agreed in writing to an extension of time.
- d.** Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. And the applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- e.** The Township Supervisors shall render a written decision within forty-five (45) days after the last public hearing. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this Ordinance or any other applicable rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- f.** Where the Board of Supervisors fails to render a decision within the required forty-five (45) days or fails to commence, conduct or complete the required hearing as specified in Subparagraphs "c" and "d", above, the decision shall be deemed to

have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. The Board of Supervisors shall give public notice, as defined herein, of said deemed approval within ten (10) days from the last day it could have met to render a decision. If the Board of Supervisors shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a Court of competent jurisdiction.

- g.** In considering an application for conditional use approval, the Township Supervisors may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which conditional use approval is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1701 of this Ordinance.

If land development approval is required for the conditional use, the application for conditional use approval and the application for approval of a land development required by the Township Subdivision and Land Development Ordinance may be processed concurrently provided all application requirements of both Ordinances for a conditional use and a land development plan are met.

1101.2 Expiration of Conditional Use Approval

Conditional use approval shall expire automatically without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval, unless the Board of Supervisors, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve month extension.

1101.3 Approval of Uses by Special Exception

The Zoning Hearing Board shall hear and decide requests for uses by special exception. the Zoning Hearing Board shall not approve an application for a use by special exception unless and until:

- a.** A written application for approval of a use by special exception is submitted to the Zoning Officer. The application shall indicate the Section of this Ordinance under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:

1. A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 2. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 3. A Traffic Impact Analysis prepared by a registered traffic engineer for the following proposed conditional uses:
 - (a) Any proposed use which involves the construction of fifty (50) or more multifamily dwellings.
 - (b) Any proposed use in the B-1, I-B or S-D District which involves the construction of a new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more.
 4. The application fee required by Section 1707 of this Ordinance.
- b. A public hearing pursuant to public notice, as defined herein, is conducted by the Zoning Hearing Board within sixty (60) days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by Section 1605 of this Ordinance.
 - c. In proceedings involving a request for a use by special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a use by special exception as set forth in this Ordinance rest upon the applicant. The burden of persuading the Zoning Hearing Board that the proposed use will not offend general public interest such as the health, safety and welfare of the neighborhood rests upon the applicant.
 - d. In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1701 of this Ordinance.

- e. If land development approval is required for the use by special exception, the application for approval of a land development required by the Township Subdivision and Land Development Ordinance shall be submitted to the Township Planning Commission following approval of the use by special exception by the Zoning Hearing Board.

1101.4 Expiration of Approval of a Use By Special Exception

Approval of a use by special exception shall expire automatically without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within twelve (12) months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve month extension.

SECTION 1102 GENERAL STANDARDS

In addition to the specific standards and criteria listed for each use in Section 1103, below, all applications for conditional uses and uses by special exception listed in each Zoning District shall demonstrate compliance with all of the following general standards and criteria:

- (a) The use shall not endanger the public health, safety or welfare nor deteriorate the environment, as a result of being located on the property where it is proposed.
- (b) The use shall comply with the Performance Standards of Section 1101 of this Ordinance.
- (c) The use shall comply with all applicable requirements of Article XIII governing parking and loading, Article XIV governing signs, Section 1202 governing screening and landscaping and Section 1209 governing storage.
- (d) Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.
- (e) Outdoor lighting, if proposed, shall be shielded and reflected away from residential properties and public streets.
- (f) For all uses which are subject to the requirements of the Americans with Disabilities (ADA) Act, the applicant shall certify that all applicable ADA requirements have been met in the design.

SECTION 1103 STANDARDS FOR SPECIFIC USES

In addition to the general standards and criteria for all conditional uses and uses by special exception listed in Section 1102, above, an application for any of the following uses which are listed in any Zoning District as a conditional use or use by special exception shall comply with the applicable standards and criteria specified below for that use.

1103.1 Adult Businesses, subject to:

- a.** Adult businesses shall not be permitted in any Zoning District other than the I-B Industrial and Business, District.
- b.** An adult business shall not be located within one thousand (1,000) feet of a church; public or private pre-elementary, elementary or secondary school; public library; day care center or nursery school; or public park adjacent to any residential district measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of any of the above listed uses.
- c.** An adult business shall not be located within one thousand (1,000) feet of any other adult business measured in a straight line from the closest exterior wall of the building or structure in which each adult business is located.
- d.** No more than one (1) adult business shall be located in the same building, structure or portion thereof, nor shall any adult business increase its floor area into any building, structure or portion thereof containing another adult business.
- e.** An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult business permit of a church, public or private pre-elementary, elementary or secondary school, public library, day care center or nursery school or public park within one thousand (1,000) feet. This provision applies only to the renewal of a valid permit and shall not apply when an application for a permit is submitted after a permit has expired or has been revoked.
- f.** Any adult business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (150) square feet of floor space, a film or video cassette or other video or image production or reproduction which depicts nudity or sexual conduct, as defined herein, shall comply with the following:

1. At least one (1) employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
2. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this Subsection shall be by direct line of sight from the manager's station.
3. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises which has been designated in the application submitted to the Township as an area in which patrons will not be permitted.
4. No viewing room shall be occupied by more than one (1) person at any time. No connections or openings to an adjoining viewing room shall be permitted.
5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.
6. If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and the viewing area shall not be accessible to the performers, nor shall the performers have easy access to the viewers present.

7. Liquor or intoxicating beverages shall not be sold on the premises for which the permit is sought.
8. The applicant shall agree to renew the Certificate of Occupancy annually in accordance with the requirements contained in Section 1704 of this Ordinance.

1103.2 **Agribusiness**, subject to:

- a. The minimum site required shall be ten (10) acres.
- b. The agribusiness shall be supplementary to the principal uses of the property for agriculture and dwelling purposes.
- c. The operator of the business shall be the operator or a member of the family of the operator of the farm and shall be a resident of the farm.
- d. The agribusiness shall be conducted from the dwelling or from one (1) or more accessory farm structures unless the nature of the activity is that it is usually performed outdoors.
- e. The maximum floor area in all structures devoted to the agribusiness shall be five thousand (5,000) square feet.
- f. Excluding seasonal workers, no more than ten (10) persons who are not residents on the farm shall be employed in the agribusiness.
- g. If customers or clients routinely visit the agribusiness, a minimum of five (5) parking spaces shall be provided adjacent to the farm structure in which the agribusiness is conducted. The parking spaces and driveway leading to them from the public street shall be improved with gravel, slag or other aggregate material.
- h. Bed and Breakfast, Commercial Recreation, On-Site Sales Accessory to a Farm and Tourism shall not be considered agribusinesses and shall only be authorized in accordance with the express standards and criteria for those specific uses.

1103.3 **Animal Hospital**, subject to:

- a. In the C-1 District, the minimum lot area required for an animal hospital shall be 10,000 square feet and no outdoor runs shall be permitted. In the R-P District, the minimum lot area required for an animal hospital with an outdoor kennel or outdoor runs shall be five (5) acres. In the R-P District, the minimum lot area for an animal

hospital without an outdoor kennel or outdoor runs shall be two (2) acres.

- b. All outdoor kennels or runs shall be constructed for easy cleaning and shall be adequately secured by a fence with self-latching gate.
- c. Outdoor kennels shall be located at least three hundred (300) feet from any property line adjoining residential use or zoning classification and at least fifty (50) feet from any other property line.
- d. In the C-1 District, overnight boarding of animals, other than for medical supervision, shall be permitted, if the animals are housed overnight within a completely enclosed building.
- e. Kennels associated with animal hospitals shall be licensed by the Commonwealth and shall continue to maintain a valid license throughout their operation. Any suspension of the license shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1701 of this Ordinance.
- f. Odors shall be controlled so as to comply with the Performance Standards of Section 1201 of this Ordinance.

1103.4 Apartment in Combination with Office or Retail, subject to:

- a. Dwelling units shall be located on the upper floors above the business or if located on the first (1st) floor, shall be in a separate unit from the business.
- b. Dwelling units shall have a minimum habitable floor area of five hundred (500) square feet.
- c. Dwelling units in basements or accessory garages shall not be permitted.
- d. Each dwelling unit shall have a separate entrance which does not require passing through any area devoted to office or retail use.
- e. One and one-half (1 ½) off-street parking spaces shall be provided for each dwelling unit. Shared parking for residential and commercial uses shall not be permitted.

1103.5 Automobile Service Station, subject to:

- a. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined herein.

- b. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
- c. All car washing areas shall be subject to §1103.8 of this Ordinance.
- d. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.
- e. All vehicles awaiting repair shall be stored on the lot in an enclosed building or in an approved storage area that shall not be located in the minimum required front yard, provided the storage area is screened from view from any adjacent residential properties by Buffer Area "C", as defined in §1202.1 of this Ordinance. In no case, shall said vehicles be stored on or obstruct access to a public right of way.
- f. Gasoline pumps shall be located at least thirty (30) feet from the edge of the right of way of a public street.
- g. All fuel, oil and similar substances shall be stored at least twenty-five (25) feet from any property line.
- h. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1701 of this Ordinance.
- i. Buffer Area "B," as defined by §1202.1 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.

1103.6 Bed and Breakfast, subject to:

- a. The minimum lot area shall be two (2) acres.
- b. There shall be full-time on-site supervision when the bed and breakfast is operating.

- c. No meals, other than breakfast, shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.
- d. The maximum length of stay for any guest shall be fourteen (14) consecutive days or no more than thirty (30) cumulative days in a calendar year.
- e. The maximum number of sleeping rooms shall be four (4) rooms.
- f. In addition to the parking required for the dwelling, one (1) parking space shall be required for each sleeping room offered to overnight guests.
- g. Off-street parking shall not be located in any minimum required front or side yard. Parking shall be screened from adjoining properties in an R-1 District by Buffer Area "C" as defined by §1202.1 of this Ordinance.
- h. One (1) identification sign shall be permitted and such sign may either be attached to the wall of the dwelling or may be freestanding in the front yard, provided the surface area of any sign shall not exceed six (6) square feet, the height of any freestanding sign shall not exceed four (4) feet and the freestanding sign shall be located at least ten (10) feet from any property line.

1103.7 **Billboards**, subject to:

- a. All billboards shall be subject to the express standards and criteria contained in Section 1406 of this Ordinance.

1103.8 **Car Wash**, subject to:

- a. All automated washing facilities shall be in a completely enclosed building, as defined by this Ordinance. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.
- b. Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.
- c. Standing spaces shall be provided in accordance with the requirements specified in Section 1206 for drive-in businesses.
- d. The facility shall be connected to a sanitary sewer system approved by the PA Department of Environmental Protection (PA DEP).

- e. Driveway entrances shall be located at least thirty (30) feet from the right of way line of the intersection of any public streets.
- f. Any car wash which also dispenses gasoline shall meet all applicable requirements of §1103.5 governing automobile service stations.

1103.9 **Cemetery**, subject to:

- a. A minimum site of ten (10) acres shall be required.
- b. A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
- c. A ground water study certified by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application that demonstrates the proposed cemetery will not have a negative impact on the ground water.
- d. Plans for ingress/egress to the site shall be referred to the Township Police Department for comments regarding public safety.
- e. All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B" as defined by §1202.1 of this Ordinance.
- f. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements for indoor places of assembly specified in Article XIII.
- g. All maintenance equipment shall be properly stored in an enclosed building when not in use.
- h. Burial sites or burial structures shall not be located within twenty-five (25) feet of any property line adjoining residential use or zoning classification.

1103.10 **Churches, Public Buildings and Schools, including Post Secondary Schools**, subject to:

- a. The minimum lot area required for a Secondary or Post Secondary School shall be ten (10) acres. The minimum lot area required for all other uses shall be one (1) acre.
- b. If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than ten (10) persons shall be housed.

- c. A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of the this Ordinance for single family dwellings in the Zoning District can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.
- d. If the school includes dormitories, the dormitories shall be screened along any property line adjoining single family use or zoning classification by Buffer Area "C," as defined by §1202.1 of this Ordinance.
- e. Ingress and egress to and from police and fire stations shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.
- f. Fire stations, police stations and municipal maintenance facilities shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
- g. All schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by fire-fighting equipment.
- h. The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.

1103.11 Commercial Recreation, subject to:

- a. The minimum lot area required for outdoor recreation facilities shall be one (1) acre. All indoor facilities shall meet the minimum lot area required for the Zoning District in which the property is located.
- b. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- c. The property shall be served by public water and public sewers or a system approved by the PA Department of Environmental Protection (PA DEP).
- d. Adequate sanitary facilities available to the public shall be provided.

- e. Outdoor speakers shall not be permitted if there are dwellings within five hundred (500) feet of the property in any direction. If outdoor speakers are allowed, the volume and direction shall be regulated to minimize impact on adjoining properties.
- f. Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.
- g. Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.
- h. A Traffic Study, as defined herein, shall be required for all uses having one hundred (100) or more parking spaces.
- i. Any outdoor facility shall be completely enclosed by a fence which is at least six (6) feet in height with one (1) or more locking gates which shall remain secured when the facility is not in use.
- j. Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations no later than 10:00 P.M.
- k. Any use which includes eating or drinking facilities shall be subject to the parking requirements for that use in addition to the parking requirements for the recreational use.

1103.12 Communications Tower, subject to:

- a. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications tower.
- b. Any applicant proposing a new freestanding communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna on an existing building or other structure or an existing commercial communications tower. A good faith effort shall require that all owners within a one-quarter (1/4) mile radius of the proposed site be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building or communications tower or other structure apply:
 - 1. The proposed equipment would exceed the structural capacity of the existing building, communications tower or other structure and reinforcement of the existing building, tower or other structure cannot be accomplished at a reasonable cost.

2. The proposed equipment would cause RF (Radio Frequency) interference with other existing or proposed equipment for that building, tower or other structure and the interference cannot be prevented at a reasonable cost.
 3. Existing buildings, communications towers or public utility structures do not have adequate space to accommodate the proposed equipment.
 4. Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed any adopted local, Federal or State emission standard.
 5. A commercially reasonable agreement could not be reached with the owners of such structure.
- c. The applicant shall submit certification from a Pennsylvania registered professional engineer that the proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Township's Building Code.
 - d. The applicant shall demonstrate that the proposed tower structure is safe and that surrounding areas will not be negatively affected by tower structure failure, falling ice or other debris.
 - e. All guy wires and guyed towers shall be clearly marked so as to be visible at all times and shall be located within the fenced enclosure.
 - f. The tower structure or the entire property on which the tower structure is located shall be completely enclosed by a six (6) foot high chain link fence with self-latching gate to limit accessibility to the general public.
 - g. All tower structures shall be fitted with anti-climbing devices as approved by the manufacturer for the type of installation proposed.
 - h. All antennas and tower structures shall be subject to all applicable Federal Aviation Administration (FAA) and Airport Zoning regulations.
 - i. No sign or other structure shall be mounted on the tower structure, except as may be required or approved by the FCC, FAA or other governmental agency.

- j.** One (1) parking space shall be provided for periodic visits by maintenance workers.
- k.** No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).
- m.** In all Zoning Districts, the maximum height of any communications tower shall be two hundred (200) feet: provided, however, that such height may be increased to no more than three hundred (300) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of two hundred (200) feet.
- n.** The foundation and base of any communications tower shall be set back from a property line (not lease line) located in any Residential District at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.
- o.** The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- p.** The communications equipment building shall comply with all required yards and height requirements of the applicable Zoning District for any accessory structure.
- q.** Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.
- r.** A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- s.** The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.
- t.** The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and

property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antenna.

- u. Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
- v. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.

1103.13 **Comparable Uses Not Specifically Listed**, subject to:

- a. Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the Zoning District in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District. In making such determination, the Board shall consider the following characteristics of the proposed use:
 - 1. The number of employees;
 - 2. The floor area of the building or gross area of the lot devoted to the proposed use;
 - 3. The type of products, materials and equipment and/or processes involved in the proposed use;
 - 4. The magnitude of walk-in trade; and
 - 5. The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of Section 1201 of this Ordinance.
- b. The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.
- c. The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable use by special exception or conditional use listed in the Zoning District in which the comparable use is proposed.

- d. If the proposed use is determined by the Zoning Hearing Board to be most nearly comparable to a permitted use or use by special exception, the Zoning Hearing Board shall review the proposed use as a use by special exception and shall act on the proposed development plan.
- e. The proposed use shall be consistent with the Purpose Statement for the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.

1103.14 Day Care Center or Pre-School Facility, subject to:

- a. The facility shall be registered with or licensed by the Commonwealth, if applicable.
- b. In the R-P and R-1 Zoning Districts, the facility shall be permitted to be located only in a church or school.
- c. Outdoor play areas shall be provided which shall have a minimum area of 65 square feet per child and which shall be secured by a fence with self-latching gate.
- d. Outdoor play areas which adjoin residential lots shall be screened by Buffer Area "C," as defined by §1202.1 of this Ordinance.
- e. The general safety of the property proposed for a day care center, nursery school or pre-school facility shall meet the needs of small children.
- f. Off-street parking shall be provided in accordance with the requirements of Article XIII of this Ordinance.

1103.15 Family Day Care Home, subject to:

- a. An adequate outdoor play area shall be provided and shall be secured by a fence with self-latching gate. Such play area shall be screened from adjoining residential properties by a minimum four (4) foot high compact, dense evergreen hedge or opaque fence.
- b. Outdoor play areas shall have a minimum area of four hundred (400) square feet.
- c. A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any public street.

- d. The family day care home shall be licensed by, or approved by, the Commonwealth, as required by the laws of the Commonwealth, and continued compliance with the license or approval and all applicable laws of the Commonwealth shall be maintained throughout the operation of the family day care home.
- e. All applicable criteria of §1103.18 governing home occupations shall be met.

1103.16 Funeral Home, subject to:

- a. The minimum lot area shall be 40,000 square feet.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector street.
- c. All off-street parking areas which adjoin residential zoning classification shall be screened by a six (6) foot dense, compact evergreen hedge.
- d. Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.

1103.17 Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, subject to:

- a. The minimum area and bulk regulations for a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be the same as those required for a principal use in the District in which the facility is located.
- b. In the N-S District, the site shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Ordinance.
- c. In the N-S District, the maximum number of residents housed shall be fifteen (15). Facilities housing more than fifteen (15) residents shall be located in the S-D District.
- d. No Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be located within 1,000 feet of another existing or proposed Group Care Facility, Personal Care Boarding Home or Transitional Dwelling.
- e. Adequate provisions shall be made for access for emergency medical and fire-fighting vehicles.

- e. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- g. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with self-latching gate.
- h. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

1103.18 **Home Occupation**, subject to:

- a. The home occupation shall be carried on by a member of the family residing in the dwelling unit. In the R-1 District, only one (1) person who is not a resident of the dwelling unit shall be employed in the dwelling unit. In the N-S and R-P Districts, no more than two (2) persons who are not residents of the dwelling unit shall be employed in the dwelling unit.
- b. In the R-1 and N-S Districts, the home occupation shall be carried on wholly within the principal dwelling. The home occupation shall not be conducted in any accessory structure. In the R-P District, the home occupation may be carried on in an accessory structure.
- c. No more than twenty-five percent (25%) of the gross floor area of a single floor in the principal dwelling shall be devoted to the conduct of the home occupation. Where the floor area of one (1) or more of the several floors of the dwelling differs, the area of the smallest floor shall be used to calculate the twenty-five percent (25%).
- d. There shall be no on-site production of articles for sale in the home occupation, other than customary handicrafts made by the resident, which may be produced for sale off the premises. Such articles shall not be displayed in quantity for sale on the premises, except that samples may be kept for the purpose of accepting orders.
- e. There shall be no display on the premises of merchandise available for sale which has been produced off the premises; however, merchandise may be stored on the premises for delivery off the premises, such as Amway, Tupperware or similar products stored for distribution to customers or salespersons at their residence or place of business.

- f. There shall be no exterior displays or signs, either on or off the premises, other than a small identification sign as authorized by §1403.6.
- g. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure.
- h. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced. The use shall comply with the Performance Standards of Section 1201 of this Ordinance.
- i. The use shall not significantly intensify vehicular or pedestrian traffic beyond that which is normal for the residences in the neighborhood.
- j. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- k. The use shall not cause an increase in the use of public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- l. In the R-1 District, the home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises and commercial vehicles shall not be parked on the premises. In all other Districts, the Zoning Hearing Board shall determine the appropriateness of the number and type of vehicles to be used for delivery and/or conduct of the home occupation, considering usual traffic patterns in the area.
- m. There shall be no storage of materials or equipment used in the home occupation outside a completely enclosed building.
- n. Any home occupation where customers, clients or students routinely visit the premises shall provide a dust-free, all weather off-street parking area in accordance with the requirements of Article XIII for the specific use in addition to the spaces required for the dwelling.
- o. The following are examples of permitted home occupations, provided all of the foregoing criteria are met:
 - 1. Beauty Shop or Barber Shop containing only one (1) or two (2) chairs;
 - 2. Artist, photographer or handicrafts studio;
 - 3. Catering off the premises;

4. Contracting business;
5. Computer programmer, data processor, writer;
6. Consultant, clergy, counselor, bookkeeping, accounting, graphics or drafting services;
7. Dressmaker, tailor;
8. Professional offices which involve routine visitation by customers or clients;
9. Housekeeping or custodial services;
10. Interior designer;
11. Jewelry and/or watch repair, not including wholesale or retail sales;
12. Lawnmower and small engine repair in the R-P District only;
13. Locksmith;
14. Mail order business;
15. Manufacturer's representative;
16. Repair of small household appliances that can be hand carried in the R-P District only;
17. Telemarketing;
18. Travel agent;
19. Tutoring or any other instruction to no more than five (5) students at any one time;
20. Word processing, typing, secretarial services.

p. The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception, including, but not limited to:

1. Beauty shops or barber shops containing more than two (2) chairs;
2. Blacksmith or metal working;
3. Boarding stables;
4. Clinics, hospitals or nursing homes;
5. Funeral homes;
6. Group Care Facility, Personal Care Boarding Home or Transitional Dwelling;
7. Kennels, veterinary offices and clinics;
8. Private clubs;
9. Private instruction to more than five (5) students at a time;
10. Restaurants or tea rooms;
11. Retail or wholesale sales; flea markets;
12. Tanning or massage salon;
13. Tourist or boarding home, other than Bed and Breakfast;
14. Vehicle or equipment rental, repair or sales;
15. Vehicle repair garages.

- q. The acceptability of a home occupation not specifically listed in §1103.18(p) shall be determined by the Zoning Hearing Board in accordance with the express standards and criteria specified in §1103.18(a) through §1103.18(o). Any person aggrieved by the decision of the Zoning Hearing Board may appeal that decision to the Washington County Court of Common Pleas within thirty (30) days of the date of the decision approving or denying the use by special exception for the home occupation.

1103.19 Hospital, Clinic or Nursing Home, subject to:

- a. The minimum lot area required for a hospital shall be five (5) acres. The minimum lot area required for a clinic or nursing home shall be one (1) acre.
- b. The property shall be served by public water and public sewers.
- c. All hospitals and nursing homes shall be licensed by the Commonwealth.
- d. Water pressure and volume shall be adequate for fire protection.
- e. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- f. The parking and circulation plan shall be referred to the Township police department and volunteer fire company for comments regarding traffic safety and emergency access.
- f. Nursing homes shall have a bed capacity of at least twenty (20) beds, but no more than two hundred (200) beds.
- h. All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B," as defined by §1202.1 of this Ordinance.
- i. A private use helipad for air ambulances shall be permitted as part of a hospital, provided all of the following criteria are met:
 - 1. Helipads shall be located at least two hundred fifty (250) feet from any property line or public street.
 - 2. Helipads accessory to a hospital shall be limited to use by emergency vehicles and health system personnel.

3. Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation Bureau of Aviation shall be submitted.
 4. The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.
 5. The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
 6. An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.
 7. Lighting shall be shielded away from adjacent properties and streets.
- j. Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

1103.20 Junk Yard, subject to:

- a. The minimum site required shall be twenty (20) acres.
- b. The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
- c. No garbage, hazardous materials or hazardous waste as defined by Federal statute, or other organic waste shall be stored on the premises.
- d. The handling and disposal of motor oil, battery acid and other substances regulated by Federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1701 of this Ordinance.

- e. The manner of storage of junk or other materials or equipment on the site shall facilitate access for fire-fighting, shall prevent hazards from fire or explosion and shall prevent the accumulation of stagnant water.
- f. Any salvage yard operation shall comply with the Performance Standards of Section 1202 of this Ordinance.
- g. No junk shall be stored or accumulated and no structure shall be located within one hundred (100) feet of any dwelling located off the property or within forty (40) feet of any property line or public street.
- h. The premises shall be enclosed by a metal chain link fence not less than six (6) feet in height supported on steel posts with a self-latching gate. The fence shall be located on the inside of the Buffer Area required by Subparagraph (j), below.
- i. The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.
- j. Buffer Area "C," as defined by §1202.1 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning classification where necessary to provide a visual barrier for existing dwellings on immediately adjacent properties.
- k. The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent public streets and residential properties that are not immediately adjacent if necessary to provide a visual barrier to obstruct their line of sight.
- l. The operator shall obtain a license from the Township prior to initiating operations which shall be renewable annually upon payment of the required license fee established from time to time by Resolution of the Board of Supervisors and subject to inspection by the Zoning Officer to determine continuing compliance with these standards.

1103.21 **Landfill**, subject to:

- a. The minimum site required for a landfill shall be one hundred (100) acres.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

- c. The driveway or haul road entering the site from a public street shall be paved for a distance of five hundred (500) feet from the public street.
- d. A tire washing station shall be located on the site to service trucks exiting the facility.
- e. Prior to beginning operations, the operator shall post a bond in favor of the Township and in a form acceptable to the Township Solicitor in the amount of one hundred thousand dollars (\$100,000) for each mile of Township road or portion thereof proposed to be traversed by vehicles traveling to the site. The term of the bond shall begin on the date that the Zoning Certificate is issued. The bond shall be returned to the operator upon completion of all operations and any backfilling or reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road.

Any failure to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond. Those portions of the Township roads which have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township specifications for street construction.

- f. Landfill operations shall not be conducted within two hundred (200) feet of any property lines adjoining residential use or zoning district classification.
- g. All property lines adjoining residential use or zoning district classification shall be screened by Buffer Area "A," as defined by §1202.1 of this Ordinance.
- h. Fencing at least six (6) feet in height shall be provided around any work area for security and to control windblown refuse.
- i. The applicant shall show compliance with all applicable Federal and State laws regulating landfills.
- j. The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Protection (PA DEP) and/or the U.S. Environmental Protection Agency (EPA) prior to initiating any operation.
- k. The required Federal or State permits shall be maintained throughout the duration of all operations.

- l.** Any suspension or revocation of the required State or Federal permits shall constitute a violation of this Ordinance and shall result in the suspension or revocation of the Zoning Certificate or enforcement of the penalty provisions of this Ordinance or both.
- m.** In January of each year, the operator shall apply to the Zoning Officer for renewal of the Zoning Certificate and shall present evidence of continuing compliance with all conditions of approval and the required State or Federal permits.

1103.22 Mini-Warehouses or Self-Storage Buildings, subject to:

- a.** The minimum site area required shall be two (2) acres.
- b.** The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- c.** Vehicular access to the site shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector street on which the site has frontage.
- d.** All interior driveways shall be improved with a dust-free, all-weather surface.
- e.** Parking shall be provided in accordance with the following:

 - 1.** Two (2) spaces for manager's quarters, if any;
 - 2.** One (1) space for each twenty-five (25) storage units which spaces shall be located near the manager's quarters or office to be used by prospective customers;
 - 3.** One (1) space for each ten (10) storage units equally distributed throughout the storage area to be used by the customers.
- f.** Buffer Area "A" shall be provided in accordance with the requirements of §1202.1 of this Ordinance along all property lines which adjoin residential use or zoning classification.
- g.** The perimeter of the site shall be fenced with a minimum six (6) foot high chain link fence with self-latching gate. If an outside storage area is proposed, the fence around the outside storage area shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.

- h. Maximum building height shall be twenty (20) feet.
- i. The maximum length of any storage building shall be two hundred (200) feet.
- j. The minimum distance between storage buildings shall be twenty (20) feet.
- k. Maximum lot coverage by all buildings shall be forty percent (40%).
- l. Office space may be provided which shall not exceed five percent (5%) of the total area devoted to storage.
- m. Storage units shall not be equipped with water or sanitary sewer service.
- n. No business activity other than rental of storage units shall be conducted on the premises.
- o. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris or dust shall not be created.
- p. Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.
- q. No sign shall be placed on the buildings or on their rooftops.
- r. Both the landlord and the tenants shall be responsible for prevention of the storage of hazardous materials or substances in the storage buildings.
- s. For facilities with fifty (50) or more storage units, a minimum of one (1) fire hydrant shall be provided on the site, subject to approval by the Township. The facility shall comply with the Township Fire Code.

1103.23 **Mineral Removal**, subject to:

- a. Removal of minerals encountered during the routine grading of a site for the purposes of an approved land development or for the construction of public improvements shall be excluded from these regulations and the requirement to obtain approval of a conditional use application, provided evidence is presented to the Township that all applicable requirements of the Pennsylvania Department of Environmental Protection (DEP) are met.

- b.** There shall be no removal of minerals or vegetative cover within one hundred (100) feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).
- c.** Mineral removal shall be prohibited in watersheds or rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Protection as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.
- d.** No mineral removal shall be conducted within three hundred (300) feet of any public building, school, church, community or institutional building, commercial building, public park or private recreational area.
- e.** No mineral removal shall be conducted within one hundred (100) feet of the outside right of way line of any public street, except where access roads or haulage roads join the right of way line and where the appropriate State or Federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with law.
- f.** No mineral removal shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.
- g.** No mineral removal shall be conducted within one hundred (100) feet of a cemetery.
- h.** No mineral removal shall be conducted within three hundred (300) feet of an occupied dwelling, unless the consent of the owner has been obtained in advance of the filing of the application for zoning approval.
- j.** The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:
 - 1.** Lawful existing or permitted use of adjacent properties.
 - 2.** The quality or adequacy of any public or private water supply source.
 - 3.** Any flood-prone or landslide-prone areas within the Township.

- j.** The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.
- k.** If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.
- l.** The applicant shall provide reclamation plans for the site that demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the District in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.
- m.** The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on State, County and Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets within the Township.
- n.** The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations to guarantee restoration of Township streets which may be damaged during the mineral removal operations.
- o.** Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.
- p.** The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and Federal permits, including proof of insurability, before initiating any work and shall maintain the required permits throughout the duration of all operations. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this Ordinance.

- q. Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within six (6) months of the date of approval of the conditional use application by the Board of Supervisors, unless the applicant submits a written request for an extension prior to the expiration of the six (6) months after the date of approval.
- r. Once work is initiated under an approved application for conditional use, zoning approval shall be valid for a period of one (1) year from the date of conditional use approval by the Board of Supervisors. An application for renewal of zoning approval shall be submitted prior to the expiration of zoning approval and shall be approved by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation.
- s. During the mineral removal operation, the Township Engineer may inspect the site at the request of the Board of Supervisors to determine continuing compliance with these standards and criteria and any conditions of approval. the cost of inspection by the Township Engineer shall be borne by the operator.

1103.24 Mobile Home Park, subject to:

- a. The application shall comply with all applicable requirements of the Township Subdivision and Land Development Ordinance governing mobile home parks.
- b. The minimum site required for a mobile home park shall be five (5) acres.
- c. A minimum setback of seventy-five (75) feet shall be maintained around the entire perimeter of the site. Within the perimeter setback, Buffer Area "B", as defined by §1202.1, shall be provided along all property lines adjoining property in the R-1 District.
- d. The site shall be served by public sewers or a system approved by the PA Department of Environmental Protection (PA DEP).
- e. The minimum mobile home lot shall be seven thousand five hundred (7,500) square feet.
- f. The minimum yard requirements for each mobile home lot shall be twenty-five (25) feet for front yards, twenty (20) feet for rear yards and ten (10) feet for side yards. Such yards shall be measured from the perimeter of the mobile home slab.

- g. Every mobile home slab shall have access to a public or private street in accordance with the requirements of the Township Subdivision and Land Development Ordinance.
- h. Each mobile home lot shall provide two (2) off-street parking spaces.

1103.25 **Neighborhood Services**, subject to:

- a. The authorized uses shall be limited to one (1) or more of the following:
 - 1. Car Wash
 - 2. Convenience Store
 - 3. Garden Nursery
 - 4. Indoor Amusement
 - 5. Small Retail Stores
 - 6. Vehicle Accessory Sales and Installation
- b. The lot shall have frontage on and direct vehicular access to an arterial or collector street, as defined herein.
- c. The maximum gross floor area devoted to an individual commercial business shall be ten thousand (10,000) square feet.
- d. Off-street parking shall be provided in accordance with the requirements of Article XIII. All off-street parking located adjacent to property containing a single family dwelling shall be screened by Buffer Area "C" as defined by §1202.1.

1103.26 **Planned Business Park**, subject to:

- a. The site shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Ordinance.
- b. The minimum site area required shall be five (5) acres.
- c. Once the improvements are completed in an approved Planned Business Park, lots within an approved and recorded Planned Business Park may be sold and developed as independent entities for any authorized use in the Zoning District.
- d. Only the uses permitted by right or authorized as conditional uses or uses by special exception in the Zoning District in which the Planned Business Park is located shall be permitted in the Planned Business Park.

- e. The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements dedicated for common access, where necessary.
- f. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.
- g. All property lines along the perimeter of a Planned Business Park site that adjoin an R-1, R-P or N-S zoning classification shall be screened by Buffer Area "A" as defined by §1202.1 of this Ordinance for a distance sufficient to screen buildings and parking areas from the adjoining properties.
- h. A minimum of twenty-five percent (25%) of the gross site area shall be reserved and maintained as public or private open space.

1103.27 **Private Club**, subject to:

- a. Any establishment which includes a restaurant or tavern shall be subject to the off-street parking requirements of Article XIII for the portion of the building devoted to the restaurant or tavern use, in addition to the parking required for the private club.
- b. Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.
- c. Activities on the site and within the building shall comply with the noise standards specified in Section 1201 of this Ordinance.
- d. All off-street parking located within fifty (50) feet of a property line adjoining R-1 or R-P zoning classifications shall be screened by Buffer Area "C", as defined in §1202.1 of this Ordinance.

1103.28 **Public Parking Lot or Public Parking Garage**, subject to:

- a. All public or private parking lots or parking garages shall be designed to have direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- b. All public or private parking lots or parking garages shall be designed to minimize traffic congestion on the site or within the garage and for traffic entering or leaving the site or parking structure.

- c. The design of any parking garage proposed to be located on property which adjoins a residential zoning district shall take into account the height, visual, light and air impacts on adjoining residences and shall utilize architectural materials for the exterior walls facing those residential areas which are compatible with the residential character of adjoining properties.
- d. Any parking garage structure, whether proposed as a principal structure or an accessory structure, shall comply with the yard requirements for a principal structure.

1103.29 **Public Recreation and Noncommercial Recreation**, subject to:

- a. A minimum lot area of one (1) acre shall be required; however, the minimum lot area required may be reduced to not less than twelve thousand (12,000) square feet for public facilities which are located in established neighborhoods within walking distance of the residents they are intended to serve and where no off-street parking is proposed for the facility.
- b. All principal structures shall be located at least thirty (30) feet from any property line.
- c. Buffer Area "C," as defined by §1202.1 of this Ordinance shall be provided where parking for the use or other intensively used facilities such as ballfields, tennis courts, shelters and the like are proposed adjacent to any property line adjoining residential use or zoning classification. Open space and passive recreation, as well as undeveloped portions of the property held for future development, shall not be required to be buffered from adjoining residential use or zoning classification.
- d. The use shall comply with the Performance Standards of Section 1201 of this Ordinance.
- e. All lighting shall be shielded away from adjoining streets and properties.
- f. Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations at 10:00 P.M.

1103.30 **Public Utility Installation**, subject to:

- a. The minimum lot area required shall be 20,000 square feet.

- b. Maintenance vehicles stored outside a completely enclosed building shall be screened from adjoining property in an R-1 or R-P zoning district classification by Buffer Area "C", as defined in §1202.1 of this Ordinance.
- c. Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum six (6) foot fence with locking gate. If the outdoor storage area is located within fifty (50) feet of a property line adjoining property in the R-1 or R-P Districts, the storage area shall be screened by 100% opaque screening material placed in the fencing or by a six (6) foot dense, compact evergreen hedge.
- d. Any area of the building which is used for business offices shall comply with the parking requirements of Article XIII of this Ordinance for that use. Any area of the building which is used for storage of material, vehicles or other equipment shall provide one (1) parking space for each 1,500 square feet of gross floor area devoted to that use.

1103.31 Retirement Community, subject to:

- a. The minimum site required for a Retirement Community shall be twenty (20) acres.
- b. The site proposed for a Retirement Community, as defined herein, shall have frontage on and direct vehicular access to a street classified by this Chapter as an arterial or collector street. Access to local Township streets shall not be permitted, except that a secondary controlled "emergency only" access may be provided from a local Township street, if approved by the Township.
- c. A Retirement Community may include one (1) or more of the following dwelling types:
 - 1. Single family dwellings
 - 2. Two family dwellings
 - 3. Townhouse buildings containing no more than five (5) dwelling units per building
 - 4. Garden apartment buildings containing no more than fifty (50) dwelling units per building
- d. In addition to the foregoing dwelling types, a Retirement Community shall include the following supporting uses:
 - 1. Common leisure and/or recreational areas

2. Common dining area

- e. In addition, a Retirement Community may include one (1) or more of the following supporting uses, subject to approval by the Township:
1. Postal station for use of the residents and staff only;
 2. Banking facility for use of the residents and staff only;
 3. Pharmacy and/or medical offices for use of the residents only;
 4. Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, dry cleaning valet;
 5. Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;
 6. Personal care boarding home, provided the use meets all the criteria contained in §1103.17 of this Ordinance;
 7. Nursing home licensed by the Commonwealth, provided the use meets all the criteria contained in §1103.19 of this Ordinance;
 8. Elderly day care center licensed by the Commonwealth;
 7. Taxi, van or similar transportation services for the residents.
- f. The maximum dwelling unit density permitted in a Retirement Community shall be twelve (12) dwelling units per acre.
- g. No principal structure shall be less than fifty (50) feet from any property line adjoining property in an R-P or R-1 District. Along all other property lines, no principal structure shall be less than twenty (20) feet from any property line of the development site.
- h. Buffer Area "B," as defined by §1202.1 of this Ordinance shall be provided along all property lines adjoining property in an R-P or R-1 District where buildings or parking are located within fifty (50) feet of the property line.
- i. There shall be a minimum of one (1) parking space for each dwelling unit plus one (1) parking space for each employee on peak shift. In the event that a nursing home or personal care boarding home is proposed, parking shall be provided in accordance with the requirements of Section 1302 of this Ordinance for those uses. Additional parking for the supporting uses intended for the residents and their invited guests shall not be required.

1103.32 **Shopping Center**, subject to:

- a. The minimum site required shall be five (5) acres.

- b. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- c. Once the improvements are completed in an approved shopping center, lots within the approved and recorded shopping center may be sold and developed as independent entities for any authorized use in the District.
- d. Only uses permitted by right or authorized as conditional uses or uses by special exception in the District in which the shopping center is located shall be permitted in the shopping center.
- e. Buffer Area "A" shall be provided along all property lines which adjoin the R-P or R-1 Zoning Districts.
- f. The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements shall be dedicated for common access, where necessary.
- g. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.

1103.33 Supporting Commercial Uses in a Planned Business Park, subject to:

- a. Supporting Commercial Uses shall be limited to one (1) or more of the following uses:
 - 1. Business Services
 - 2. Travel Agency
 - 3. Pharmacy, in a building housing medical offices, a clinic or a diagnostic or testing facility
 - 4. Sale of medical supplies and equipment in a building housing medical offices, a clinic or diagnostic or testing facility
 - 5. Newsstand or tobacco shop
 - 6. Card and gift shop or stationery store
 - 7. Beauty shop or barber shop
 - 8. Coffee shop, delicatessen or sandwich shop providing either sit-down or take-out service is primarily for convenience of employees of the Planned Business Park
 - 9. Restaurant

- b. Supporting Commercial Uses may be located on the ground or first floor of any principal building or in a freestanding principal or accessory building.
- c. Off-street parking for a restaurant shall be provided in accordance with the requirements of Article XIII of this Ordinance for that use.
- d. Off-street parking for all other supporting commercial uses shall be provided at the ratio of one (1) parking space for each five hundred (500) square feet of gross floor area.

1103.34 Temporary Uses or Structures, other than Construction Trailers,
subject to:

- a. Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining zoning approval from the Zoning Hearing Board, provided the Zoning Officer determines compliance with the standards of this Section as a condition of issuing a Certificate of Occupancy.
- b. Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period of not more than seventy-two (72) consecutive hours shall not be subject to the provisions of this Section. Any such activity which exceeds seventy-two (72) consecutive hours in duration shall be subject to approval under this Section.
- c. A transient merchant license as required by Township Ordinance shall be obtained.
- d. In the N-S, C-1, I-B or S-D Districts, preparation and/or serving of food in an outdoor setting shall be permitted only if all of the following requirements are met:
 - 1. The preparation and serving of food which is part of a special event that does not exceed 72 consecutive hours in duration shall be exempt from the requirement to obtain approval of a use by special exception under this Section; however, an occupancy permit shall be obtained from the Township Zoning Officer subject to the applicant demonstrating compliance with the standards and criteria of this §1103.35.
 - 2. Evidence of an approved permit from the PA DEP or its successor agency.

3. The preparation and serving of food shall not be permitted on any vacant lot and shall only be permitted on the site of an existing business.
 4. The area used for preparing and serving the food shall not obstruct any sidewalk or public right of way nor shall it obstruct the free flow of pedestrian or vehicular traffic on the site or adjoining the site. On any sidewalk, there shall be maintained a minimum of five (5) feet unobstructed width for the passage of pedestrians and, in the case where there is parallel parking permitted along such sidewalk, a minimum of four (4) feet adjacent to the curb to permit the discharging of passengers shall be provided. These required unobstructed areas on the sidewalk may be combined into one area at least five (5) feet wide along the curb.
 5. No noise or odor shall emanate from such outdoor area where food is prepared and/or served which adversely affects any adjoining residentially zoned property within three hundred (300) feet of the outdoor area.
 6. The area used for preparing and serving food shall not eliminate the availability of any existing parking spaces on the site.
 7. The activity shall comply with all applicable requirements of the Township Fire Code.
 8. The site intended to be used for the preparation and/or serving of food shall provide restroom facilities available to the public, unless the existing business on the site has restroom facilities which will be available to the public visiting the temporary use.
 9. The owner of the existing business or the operator of the temporary use involving the preparation and/or serving of food in an outdoor setting shall provide the Township with a Certificate of Insurance, in an amount at least equal to \$2,000,000 per occurrence and \$3,000,000 aggregate, indemnifying the Township against any liability resulting from such use.
- e. Approval of temporary uses or structures shall be granted for a specific time period not to exceed six (6) months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted for annual

renewal by the Zoning Officer of the permit for the temporary use or structure, provided all conditions of the original approval are maintained.

- f. All temporary uses or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.
- g. All temporary uses or structures which are proposed to be accessible to the public shall provide off-street parking in accordance with the requirements of Section 1302 for the proposed use.
- h. Vehicular access for all temporary uses or structures which are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.
- i. All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of the Zoning District in which they are located. All temporary uses or structures which are proposed to be used as accessory uses or structures shall comply with the requirements of the Zoning District for accessory structures.
- j. Temporary uses or structures which are authorized for a particular event shall be removed within forty-eight (48) hours after the completion of the event.
- k. Temporary uses or structures which are proposed as principal uses or structures and which are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot.

1103.35 **Tourism**, subject to:

- a. When tourism is proposed on a farm, the farm shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance, if more than fifty (50) parking spaces are provided to support the proposed use. An existing tourism operation on a farm shall not be expanded to include more than fifty (50) total parking spaces unless the farm has frontage on and direct vehicular access to an arterial or collector street as defined herein.
- b. Off-street parking accessory to tourism and the driveway leading to the parking spaces from the public street shall be improved with a gravel, slag or other aggregate surface.

- c. All buildings and parking areas shall be screened by Buffer Area “B” along any property line adjoining any R-1 District for the distance necessary to minimize the visual impact of the buildings and parking areas.
- d. If the proposed use is a seasonal use, the use shall be further subject to all applicable criteria of §1103.38.
- e. Adequate sanitary facilities available to the public shall be provided. Evidence of PA DEP and Local Sanitary Council approval of the proposed sanitary sewage treatment system adequate to serve the proposed occupancy shall be submitted to the Township.

1103.36 Truck and Heavy Equipment Rental, Sales and Service, subject to:

- a. The minimum site required shall be one (1) acre.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- c. No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle or equipment shall be parked on adjacent property or in any public street right of way.
- d. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for its safe and lawful operation.

1103.37 Truck Terminal, subject to:

- a. The site shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Ordinance.
- b. The site shall not be located within three hundred (300) feet of any occupied dwelling measured in a straight line along a public street from any site boundary to the nearest wall of any dwelling.
- c. Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- d. Site lighting shall be designed with cut off luminaries that have a maximum cut off angle of sixty degrees (60°). (See illustration in Appendix B) The maximum illumination at any property line shall be 0.2 footcandle.

- e. All property lines adjoining an R-1 or R-P zoning classification shall be screened by Buffer Area "A" as defined by §1202.1 of this Ordinance for a distance sufficient to screen buildings and parking areas from the adjoining properties.
- f. Off-street parking and loading shall be provided in accordance with the requirements of Article XIII of this Ordinance.
- g. No shipping or receiving shall be permitted within three hundred (300) feet of a property in a residential zoning district between the hours of 6:00 P.M. and 7:00 A.M.
- h. All operations shall comply with the Performance Standards of Section 1201 of this Ordinance.

1103.38 Vehicle Rental, Sales and Service, subject to:

- a. New and used vehicle sales and service establishments shall be limited to those establishments which are factory authorized dealerships or which have obtained a license from the Commonwealth of Pennsylvania to operate a used car dealership.
- b. The minimum lot area required shall be one (1) acre.
- c. The property shall have frontage on and direct vehicular access to an arterial or collector street.
- d. The area used for display of merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously maintained with a dust-free, all-weather surface.
- e. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1701 of this Ordinance.
- f. No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line or public street right-of-way. No vehicle shall be parked on adjacent property or in any public street right of way.

- g. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania. Vehicles offered for sale in "as is" condition shall not be displayed in the required front yard.
- h. All lights and light poles shall be located at least ten (10) feet from any street right of way or property line and all lighting shall be shielded and reflected away from adjacent streets and properties.
- i. No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot or on any merchandise displayed outdoors.
- j. All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.
- k. Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six (6) foot dense, compact evergreen hedge or opaque fence.
- l. Buffer Area "B," as defined by §1202.1 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification for an adequate distance along that property line to provide a visual screen for the building, parking and vehicle display area.

1103.39 **Vehicle Repair Garage**, subject to:

- a. Such use shall not be located within one hundred (100) feet of any property line adjoining an R-1 District or within fifty (50) feet of any residential dwelling in any other Zoning District.
- b. Buffer Area "B," as defined by §1202.1 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification for an adequate distance along that property line to provide a visual screen for the building and parking.
- c. Storage of parts, dismantled vehicles and vehicles awaiting repair, including towed vehicles, shall be kept in an enclosed building or in an outdoor area which is screened by a six (6) foot high dense, compact evergreen hedge or opaque fence. Such parts and vehicles shall not be stored or dismantled on any public street.

- d. There shall be no more than four (4) vehicles displayed for sale on the premises at any one (1) time.
- e. All repair work shall be performed within an enclosed building which has adequate ventilation and fire protection provisions in accordance with the Township Building Code.
- f. The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health or safety.
- g. Storage, handling and disposal of hazardous materials, as defined by Federal or State statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

1103.40 Wind Energy System, Personal, subject to:

- a. The minimum site required to install a small wind energy system shall be ten (10) acres.
- b. The maximum height of a small wind energy system shall be one hundred (100) feet.
- c. The applicant shall provide evidence that the proposed height of the small wind energy system does not exceed the height recommended by the manufacturer or distributor of the system.
- d. The applicant shall comply with all applicable regulations of the Pennsylvania Public Utility Commission governing generation of electricity for private use.
- e. The small wind energy system generators and alternators shall be constructed so as to prevent the emission of radio and television signals. The applicant shall correct any signal disturbance problem identified after initiation of the operation within ninety (90) days of identification.
- f. The minimum distance between the ground and any protruding blades utilized on a small energy wind system shall be fifteen (15) feet measured at the lowest point of the arc of the blades.
- g. The lowest point of the arc of the blades utilized on a small energy wind system shall be ten (10) feet above the height of any structure located within one hundred fifty (150) feet of the base of the small wind energy system.

- h. The supporting tower shall be enclosed by a six (6) foot high fence, unless the tower is fitted with anti-climbing devices for a distance of twelve (12) feet above the ground.
- i. The applicant shall submit evidence from the manufacturer regarding the structural integrity of the tower, base and footings and the installation's ability to withstand expected wind loads.
- j. The small wind energy system shall be set back a distance of one hundred fifty percent (150%) of the tower height plus the blade length from any inhabited dwelling on adjacent property, unless notarized consent of the adjacent property owner is presented.
- k. The small wind energy system shall be set back a distance of one hundred ten percent (110%) of the height of the tower plus the blade length, from all adjacent property lines.
- l. Small wind energy systems shall comply with all applicable requirements of the Federal Aviation Administration (FAA).
- m. Small wind energy systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA).
- n. No tower shall have any sign, writing or picture that may be construed as advertising.
- o. Small wind energy system towers shall maintain a galvanized steel finish, unless FAA standards require otherwise.
- p. Small wind energy systems shall not exceed sixty decibels (60 dBA), as measured at the closest property line, except during short term emergencies such as utility outages and/or severe windstorms.
- q. A small wind energy system that is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner pursuant to an enforcement notice issued in accordance with Section 1701 of this Ordinance.

1103.41 **Wind Farm**, subject to:

- a. The minimum site required shall be ten (10) acres.

- b.** Each wind turbine shall be set back from the nearest inhabited dwelling, school, hospital, church or public building, a distance no less than two (2) times the total height of the tower plus the length of the turbine blades or one thousand (1,000) feet, whichever is greater.
- c.** Each wind turbine shall be set back from the nearest property line a distance no less than 1.1 times the total height of the tower plus the length of the turbine blades, unless easements are secured from adjacent property owners.
- d.** Each wind turbine shall be set back from the nearest public street a distance no less than 1.1 times the height of the tower plus the length of the turbine blades measured from the nearest right-of-way of the public street.
- e.** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance not less than 1.1 times the total height of the tower plus the length of the turbine blades measured from the existing power line or telephone line.
- f.** The blade tip of any wind turbine shall have ground clearance at its lowest point of no less than seventy-five (75) feet.
- g.** Wind turbines shall be painted a non-reflective, non-obtrusive color.
- h.** Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable authority.
- i.** Wind turbines shall not be used for displaying any advertising except for the reasonable identification of the manufacturer or operator of the wind farm.
- j.** Electrical controls, control wiring and power lines shall be wireless or not above ground, except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
- k.** The applicant shall minimize or mitigate any interference with electromagnetic communications such as radio, television or telephone signals caused by the wind farm.
- l.** Audible noise due to wind farm operations shall not exceed fifty decibels (50 dBA) for any period of time when measured at any residence, school, hospital, church or public building existing on the date of conditional use approval of the wind farm.

- m. In the event that audible noise due to a wind farm operation contains a steady pure tone, such as a whine, screech or hum, the above standards for audible noise shall be reduced by five decibels (5 dBA).
- n. Appropriate warning signage shall be placed on wind farm towers, electrical equipment and wind farm entrances.
- o. Wind turbine towers shall be equipped with anti-climbing devices for a distance of fifteen (15) feet above the ground.
- p. All access doors to wind turbine towers and electrical equipment shall be kept locked when the site is unattended.

1103.42

Deep Well Site for Oil and Gas Drilling and Shallow Well Site for Oil and Gas Drilling, subject to:

a. Pre-application Meeting

Before filing a conditional use application, the applicant shall meet with representatives of the Township to discuss potential sites for oil and gas drilling, sources of water to be used for oil and gas drilling, proposed temporary water lines, plans for transmission of gas from the well site(s) to existing or proposed pipelines, the compressor station and gathering lines proposed to be used, proposed truck routes and proposals for storage, treatment and disposal of water and waste water.

b. Procedure

1. Drilling rigs shall be exempt from the height limitations of the Zoning District in which they are located.
2. Seismic testing shall be exempt from obtaining zoning approval provided the testing is conducted on property in a Zoning District where a shallow well site for oil and gas drilling or a deep well site for oil and gas drilling is an authorized use.
3. Conditional use approval shall be required for each well site; however, if multiple well heads are proposed to be located at the well site, separate approval is not required for each well head if the original conditional use application indicates that multiple well heads are proposed.

4. Zoning approval shall not be required for oil and gas drilling subsurface facilities which are authorized as a permitted use by right in all Zoning Districts; however, permits for crossing or disturbance of any State or Township street shall be required.
5. Any workover operations, as defined herein, shall be subject to all applicable criteria of this §1103.42. Workover operations shall not commence until the operator provides written notice to the Township Zoning Officer at least sixty (60) days in advance. The Township Zoning Officer may authorize the workover operations provided all conditions of the original conditional use approval of the well site and all applicable criteria of this §1103.42 are met. The Zoning Officer has the discretion to refer the operator's request to the Township Planning Commission before acting on an amendment to the original conditional use application.

c. Content of Conditional Use Application

1. A narrative describing the proposed use, including:
 - (a) the approximate number of acres to be disturbed and the associated equipment to be used in developing the well site;
 - (b) the proposed number of wells, including the PA DEP permit number for all proposed wells if available at the time of application or provided when issued later;
 - (c) a map showing the planned access route to the well site on public streets and a plan indicating the type, number and weight of vehicles used for transportation of materials and equipment;
 - (d) a description of how potential damage to public roads adjacent to the well site will be addressed;
 - (e) a schedule of anticipated beginning and ending dates of well site preparation, drilling, perforating, hydraulic fracturing and production;
 - (f) an accurate legal description of the surface lease property and a list of property owners included with all tax parcel numbers.

2. The well survey plat submitted to the PA DEP showing the planned surface location of the well.
3. A site plan prepared by a licensed engineer showing compliance with these express standards and criteria for conditional use approval.
4. The well site emergency address.
5. A copy of the Operator's Preparedness Prevention and Contingency ("PPC") Plan as required by the PA DEP.
6. A statement that the development and operation of the well site will comply with all applicable Federal and State permitting requirements.
7. A copy of any State and Federal permits already obtained at the time of conditional use application submission.
8. A noise management plan documenting how noise impacts will be mitigated.

d. Prior to Development of the Well Site

1. The operator shall invite residents of properties within one thousand (1,000) feet of the well site to a meeting to be held at least thirty (30) days, but no more than one hundred eighty (180) days, prior to the initiation of construction of the well site. The purpose of the meeting is to present the operator's plans for the well site and to allow for questions and answers.
2. At the meeting with the residents, the operator shall provide the following information to each resident within one thousand (1,000) feet of the planned surface location of the well or wells:
 - (a) A copy of the well survey plat showing the location of the planned well(s);
 - (b) A general description of the planned operations at the planned well site and associated equipment to be used in the development of the well site; and
 - (c) The contact information for the operator and the well site supervisor.

3. The Township shall be provided with the name of an on-site person supervising the drilling operation and an off-site emergency contact and phone numbers where such persons can be reached twenty-four (24) hours a day.
4. The operator shall provide to the Township's first responders, including Fire Department, Police Department and Ambulance Service, and to the Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan and the Material Safety Data Sheets (MSDS) for the well site.
5. Upon request from the Township, the operator will, prior to drilling of its first oil and gas well in the Township, make available with at least thirty (30) days notice, at its sole cost and expense, one (1) appropriate group training program of up to five (5) hours for First Responders. Such training shall be made available at least annually during the period when the operator anticipates drilling activities in the Township. First responders shall have a minimum of five (5) hours of training per year to meet this standard.
6. No later than thirty (30) days prior to beginning any work on an approved well site, the applicant shall submit to the Township a true and correct copy of all permits (General ESCGP-1) issued by the Pennsylvania Department of Environmental Protection (PA DEP). In addition, the Township shall be provided copies of all plans (erosion and sedimentation control, grading, etc.) required by the PA DEP.
7. All required permits shall be maintained throughout the duration of the drilling operation. Any suspension or revocation of permits by the PA DEP shall be reported to the Township and shall constitute a violation of Township zoning approval and may result in the suspension or revocation of zoning approval.
8. Access directly to State roads shall require Pennsylvania Department of Transportation (Penn DOT) Highway Occupancy Permit approval. Prior to initiating any work at a well site, the Township shall be provided a copy of the Highway Occupancy Permit.
9. The operator shall execute a Maintenance Agreement with the Township and post a bond in favor of the Township in a

form acceptable to the Township and in an amount to be determined by the Township Engineer in accordance with limits provided by law prior to beginning any work at a well site to guarantee restoration of Township streets damaged as a result of hauling associated with the drilling operation. In addition, the operator shall submit a plan to the Township indicating how the operator will immediately mitigate and repair any damage to streets or other facilities caused by the operator that presents safety concerns to the Township.

e. Development of the Well Site

1. A deep well site for oil and gas drilling shall be located on one (1) or more parcels that have, as a minimum, a combined total area of twenty (20) contiguous acres or more. There shall be no minimum area required for the well site itself.
2. There shall be no minimum area required for the parcel on which a shallow well site for oil and gas drilling is located, nor shall there be a minimum area required for the well site itself.
3. No surface facilities on a deep well site for oil and gas drilling shall be located closer than two hundred (200) feet to any property line, excluding the lease parcel lines.
4. No construction activities involving excavation, alteration or repair work on any access road or well site shall be performed between the hours of 7:00 P.M. and 7:00 A.M. These time restrictions shall not apply to drilling and hydraulic fracturing.
5. The operator shall take all necessary safeguards as directed by the Township to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur, as directed by the Township.
6. Driveways shall be of sufficient length so that there will be no stacking of vehicles on public streets.
7. The operator shall demonstrate that the access driveway is adequate to enable emergency vehicles to pass. Within the constraints of topography, the operator shall consider

cartway width, turnouts, pull-offs or other measures to meet this requirement.

8. The access driveway off the public street to the well site shall be gated at the entrance to prevent illegal access into the well site. The well site assigned address shall be clearly visible on the access gate for Emergency 911 purposes. In addition, the sign shall include the well name and number, the name of the operator and the telephone number for a responsible person who may be contacted in case of emergency.
9. Any on-site freshwater impoundments, retention ponds or wastewater pits shall be fenced to restrict access by unauthorized persons or animals. Wastewater pits shall be equipped with bird netting.

f. **Drilling and Hydraulic Fracturing**

1. At least thirty (30) days prior to the commencement of drilling, the operator shall provide a copy of the drilling permit issued by the PA DEP to the Township Zoning Officer.
2. Drilling shall not be permitted within any floodway identified in the Flood Insurance Study (FIS) prepared and approved by the Federal Emergency Management Agency (FEMA).
3. At least thirty (30) days prior to the commencement of drilling, the operator shall meet with public safety officials and representatives of the School District to design a plan to ensure safety at road crossings, pedestrian crossings and school bus or transit stops during periods of anticipated heavy and frequent truck traffic associated with drilling and hydraulic fracturing.
4. Oil and gas drilling activities shall comply with all applicable Federal and State safety regulations.
5. During drilling and hydraulic fracturing, clearly visible warning signage shall be posted at the well site.
6. During drilling and hydraulic fracturing, all equipment shall be locked or fenced, as appropriate, to prevent entry by unauthorized persons, however, a guard station with 24-hour staffing, seven (7) days a week at the entrance to the well site may be provided in lieu of fencing the site.

7. During drilling and hydraulic fracturing, a secured entrance gate shall be provided on the access road. Arrangements shall be made for access by emergency management personnel. All gates shall be kept locked when employees and subcontractors are not on the premises.
8. Recognizing that adequate and appropriate lighting is essential to the safety of those involved in oil and gas drilling, the operator shall take steps, to the extent practicable, to direct site lighting downward and inward toward the well site, well head or other area being developed so as to attempt to minimize glare on public streets and adjacent buildings within three hundred (300) feet of the well site, well head or other area being developed.
9. All drilling operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in accordance with the best accepted practices incident to oil and gas drilling. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying effects are minimized by the operations carried on at the well site to avoid injury to or annoyance of persons living in the vicinity.
10. All operations, including drilling and fracturing, shall comply with the noise standards in the Township Zoning Ordinance.

If, after initiation of deep well oil and gas drilling activities, a complaint is received by the Township from any person, whether a resident or otherwise, occupying a protected structure, as defined herein, regarding noise generated during drilling or hydraulic fracturing activities, the operator shall, within twenty-four (24) hours of receipt of the complaint from the Township, continuously monitor for a forty-eight (48) hour period at a point which is the closer to the complainant's building of:

- (a) the complainant's protected structure property line nearest to the well site or equipment generating the noise, or
- (b) one hundred (100) feet from the protected structure.

11. If the operator of any deep well for oil and gas drilling engages in any noise testing as required by this Ordinance, the operator shall provide preliminary data to the Township no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, the operator shall meet with representatives of the Township and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded.
12. In the case of a deep well site for oil and gas drilling, the Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance with the noise standards depending on the location of a proposed well site with respect to protected structures and the results of noise monitoring.
13. Only essential safety and emergency personnel shall be permitted to occupy any trailer or temporary living quarters on the site overnight.

g. Production

1. Remediation of the well site shall be accomplished in accordance with the requirements of the Pennsylvania Department of Environmental Protection (PA DEP).
2. All permanent equipment, including, but not limited to: well heads, tanks, meters and piping shall be screened from view from any protected structure, as defined herein, that is located within one thousand (1,000) feet by a landscaped area, masonry wall or opaque fence, as approved by the Township.

1103.43 Natural Gas Processing Facility or Compressor Station, subject to:

- a. The minimum site required for a natural gas processing facility shall be fifty (50) acres. The minimum site required for a compressor station shall be five (5) acres.
- b. All facilities and structures, whether principal or accessory, shall be set back at least one thousand (1,000) feet from any property line adjoining property in the R-1 or N-S District.
- c. Compressors shall be located within a completely enclosed building. During periods of normal operations, doors, windows and

similar openings shall remain closed to ensure maximum noise suppression.

- d.** The building housing the engines and compressors shall be sound-proofed, if necessary, to meet the maximum allowed noise at the property line specified in §1201.2 of the Township Zoning Ordinance.
- e.** If compressors and other power driven equipment utilize electric motors rather than internal combustion engines, no electric power shall be generated on the site and all electrical installations shall conform to local, State and National codes.
- f.** All property lines adjoining property in an R-1, N-S or C-1 District shall be screened by Buffer Area "A" for the distance necessary to screen buildings, structures, parking areas, storage areas and equipment.
- g.** The operator shall provide all Material Safety Data Sheets (MSDSs) for all hazardous materials produced, stored or distributed on site to the Township Fire Department and to the Township Emergency Management Coordinator.
- h.** The operator shall provide a site orientation for the Township's emergency first responders regarding operations, equipment and chemicals present at the facility.
- i.** The operator shall provide the name, address and phone number for 24-hour emergency contact.
- j.** Heavy truck traffic to and from the site shall be restricted to daylight hours. Emergency vehicles and field maintenance vehicles are exempted from this limitation.
- k.** Tracking of mud, dirt and debris onto Township streets shall be minimized. Measures shall be taken to clean any mud, dirt and debris from Township streets immediately.
- l.** All waste disposal and storage of gases or by-products shall be in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection (PA DEP) and any other applicable Federal, State or local agency.
- m.** The operator shall demonstrate continued compliance with all applicable Federal, State and local permits and regulations. Any suspension or revocation of permits by the PA DEP shall be

reported to the Township and shall constitute a violation of Township zoning approval and may result in the suspension or revocation of zoning approval.

- n.** Drip pans and other containment devices shall be placed or installed underneath all tanks, containers, pumps, lubricating oil systems, engines, fuel and chemical tanks, system valves, connections and any other areas or structures that could potentially leak, discharge or spill hazardous liquids, semi-liquids or solid waste materials, including hazardous waste that is inseparable by simple mechanical removal processes and is made up primarily of natural material.
- o.** The site shall be secured by a minimum eight (8) foot high chain link fence with a locking gate that shall be kept locked when employees are not on the premises. Twenty-four (24) hour access shall be provided to the first responders.
- p.** All equipment and facilities shall comply with the noise standards of § 1201.2 of the Township Zoning Ordinance. If the equipment and facilities exceed the noise limits established by the Township Zoning Ordinance, the Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance with the noise standards.
- q.** Exterior lighting shall be shielded and directed away from adjacent streets and properties. To the extent permitted by safety considerations, exterior lighting shall be turned off between dusk and dawn.

ARTICLE XII

SUPPLEMENTARY REGULATIONS

SECTION 1200 APPLICABILITY

The supplementary regulations in this Article supplement the requirements of Articles IV through X governing each Zoning District and shall apply to all uses in all Zoning Districts.

SECTION 1201 PERFORMANCE STANDARDS

The following shall apply to all permitted uses, conditional uses and uses by special exception in all Zoning Districts. In order to determine whether a proposed conditional use or use by special exception will conform to the requirements of this Ordinance, the Board of Supervisors or Zoning Hearing Board may require a qualified consultant to testify, whose cost for services shall be borne by the applicant.

1201.1 Flood Plains:

All areas identified as flood-prone by the Federal Insurance Administration of the Department of Housing and Urban Development shall be subject to the regulations of the Township Flood Plain Management Ordinance.

1201.2 Noise:

The ambient noise level of any operation (other than those exempted below) shall not exceed the decibel levels prescribed. The sound pressure level or ambient level is the all-encompassing noise associated with a given environment, being a composite of sounds from any source, near and far. For the purpose of this Ordinance, ambient noise level is the average decibel level recorded during observations taken in accordance with the procedure specified below taken at any time when the alleged offensive noise is audible, including intermittent, but recurring, noise.

Averaging may be done by instrument analysis in accordance with American National Standard S. 13-1971, or may be done manually as follows:

1. Observe a sound level meter for five (5) seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.
2. Repeat the observations as many times as necessary to determine that there are decibels between the lowest low indication and the highest high indication.
3. Calculate the arithmetical average of the observed central tendency indications.

No operation or activity shall cause or create noise in excess of the sound levels prescribed below:

a. Rural Preservation and Residential Districts:

At no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty (60) dBA.

b. Neighborhood Service and Commercial Districts:

At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty-five (65) dBA.

c. Special Development and Industrial and Business Districts:

At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of seventy-five (75) dBA.

d. Where two (2) or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.

e. The following uses or activities shall be exempted from the noise regulations:

- (1)** Noises emanating from construction or maintenance activities between 7:00 A.M. and 9:00 P.M.;
- (2)** Noises caused by safety signals, warning devices and other emergency-related activities or uses;
- (3)** Noises emanating from public recreational uses between 7:00 A.M. and 10:00 P.M.

f. In addition to the above regulations, all uses and activities within the Township shall conform to all applicable County, State and Federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.

1201.3 Vibrations:

Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

1201.4 Odors:

No use shall emit odorous gas or other odorous matter in such quantities as to be offensive at any point on or beyond the lot lines. The guide for determining such quantities shall be the fifty percent (50%) response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals," October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

1201.5 Glare:

Lighting devices which produce objectionable direct or reflected glare greater than three (3) foot candles on adjoining properties or public streets shall not be permitted.

1201.6 Determination of Compliance with Performance Standards

During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this Section. In reviewing such documentation, the Township may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Township may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this Section shall be a basis for denying approval of the application.

1201.7 Continuing Enforcement

The Zoning Officer shall investigate any purported violation of the performance standards and, subject to the approval of the Board of Supervisors, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the performance standards, said costs shall be borne by the Township.

If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with Section 1701 of this Ordinance and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this Ordinance and shall result in the revocation of the occupancy permit for the facility or use.

SECTION 1202 SCREENING AND LANDSCAPING

1202.1 Buffer Areas Described:

Buffer Areas, as defined by this Ordinance and required by §1202.2, shall meet all of the following criteria:

- a. Buffer Area "A" shall contain two (2) rows of plantings. Each row shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen spaced within the row a minimum of fifteen (15) feet apart, measured from the vertical centerlines of adjacent trees. The two (2) rows shall be staggered in a manner which shall result in adjacent trees on two (2) different rows being no more than ten (10) feet apart, measured from the vertical centerlines of the trees. The depth of Buffer Area "A" shall be twenty-five (25) feet as measured from the property line.
- b. Buffer Area "B" shall contain one (1) row of plantings which shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen spaced within the row a minimum of ten (10) feet apart, measured from the vertical centerlines of adjacent trees. The depth of Buffer Area "B" shall be fifteen (15) feet as measured from the property line.
- c. Buffer Area "C" shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature which are a minimum of six (6) feet in height at the time of planting. The depth of Buffer Area "C" shall be ten (10) feet as measured from the property line.
- d. None of the required plantings shall encroach across any property line. All plantings shall be located a minimum of two and one-half (2-1/2) feet from the property line which constitutes the exterior boundary of the Buffer Area.
- e. In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required Buffer Area to screen the buildings, activities and parking areas from adjoining residential properties, the Board of Supervisors, upon recommendation by the Planning Commission, may determine that the existing topography and/or vegetation constitutes all or part of the required Buffer Area. If such a determination is made, the applicant may be required to record a conservation easement of the depth specified by the Board of Supervisors to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved Buffer Area.
- f. In the event that a public street right of way, dedicated and accepted by the Township separates the two (2) dissimilar uses specified, the Buffer Area shall not be required, provided the width of the right of way equals or exceeds the width of the required Buffer Area and one (1) row of low level plantings or a landscaped earthen mound is provided on the property to screen headlights from view as described in §1202.2(d), below.
- g. Openings for driveways shall be permitted to cross a required Buffer Area. Plantings in required Buffer Areas shall be located so as to not obstruct visibility for traffic entering or leaving the site and shall be subject to the clear sight triangle requirements of §1203.4 of this Ordinance.

- h. No structures or uses shall be permitted in the required Buffer Area, other than active or passive recreation facilities and stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the Buffer Area and provided all plantings are located outside any stormwater management structure. Structures or uses not permitted within the required Buffer Area include, but are not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices.

1202.2 **Buffer Areas Required:** Buffer Areas A, B, and C listed in §1202.1 above are required under the following circumstances:

a. **Buffer Area "A":** Buffer Area "A" shall be required:

- 1. Along all property lines where any development in the C-1, I-B or S-D District adjoins property in an R-P or R-1 District.
- 2. Where the express standards and criteria for a conditional use or use by special exception in Section 1103 of this Ordinance specify that Buffer Area "A" is required.
- 3. Along all property lines where a Planned Residential Development which contains townhouses or garden apartments adjoins property in an R-P or R-1 District.

b. **Buffer Area "B":** Buffer Area "B" shall be required:

- 1. Where the express standards and criteria for a conditional use or use by special exception in Section 1103 of this Ordinance specify that Buffer Area "B" is required.
- 2. Along all property lines where a Planned Residential Development which contains single family and two family dwellings adjoins property in an R-P or R-1 District.

c. **Buffer Area "C":** Buffer Area "C" shall be required:

- 1. Where the express standards and criteria for a conditional use or use by special exception in Section 1103 of this Ordinance specify that Buffer Area C is required.
- 2. On developed properties in the N-S, C-1 or I-B District where existing conditions such as building location and existing paving of the parking lot make it impossible to meet the requirements for Buffer Area "B" along a property line which adjoins property in the R-P or R-1 District.

3. Along all property lines in the N-S District where neighborhood services, townhouses or garden apartments adjoin N-S zoned property containing a single family dwelling or two family dwelling.

d. **Low-Level Screen Required:**

In addition to the required plantings in Buffer Areas "A," "B," and "C," wherever twenty (20) or more parking spaces face the required Buffer Area, a row of low level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the Buffer Area which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars. These low level shrubs, hedges or mounds shall be installed so that a person facing a passenger car with the shrubs or hedges or mound between him and the car could observe the car's low beam lights only as a result of the diffused or reflected light from the headlights and not because the direct beam from those lights was observable. The earthen mound shall be a minimum of three (3) feet in height at its centerpoint with a minimum width at the base of ten feet. Low level shrubs or hedges shall be a minimum of three (3) feet at the time of planting.

1202.3 Conflict between Buffer Area and Yard Requirements

When the width of a required Buffer Area is in conflict with the minimum yard requirements of Articles IV through XII, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the yard requirement.

1202.4 Existing Structures in Buffer Areas

In instances where an existing structure is located within any required buffer area, the buffer area may be reduced, provided the buffer area is not less than the minimum distance between the existing structure and the property line. This reduced buffer area width shall apply only to the side of the existing structure which encroaches on the required buffer area. The required buffer area, as determined by §1202.2, shall apply on all other sides of the existing structure.

1202.5 Existing Trees in Buffer Area

Where trees already exist within the required buffer area, these trees shall remain undisturbed, except that diseased or dead material may be removed. If it is determined that some healthy trees must be removed in conjunction with development, a written request to remove such trees must be submitted to the Township, along with an explanation detailing the rationale for the request. These trees shall not be removed until the Township has given written authorization permitting said removal. This permission will not be unreasonably denied; however, those who violate this Section shall be subject to the maximum penalties authorized by this Ordinance.

When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. All such replacement planting shall be in accordance with accepted conservation practices.

1202.6 Size of Trees Required in Buffer Area

Any existing trees within the required buffer area which are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall be preserved and shall count as a required tree within the buffer area. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required buffer area.

All trees required to be planted within the buffer area shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six (6) feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.

1202.7 Responsibility for Maintenance

It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.

1202.8 Stormwater Management Facilities in Buffer Areas

Stormwater management facilities and structures may be maintained within a buffer area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.

1202.9 Landscaping of Open Space Area

All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between a November 1 through April 1 time period. In such case, the required sodding or seeding must occur within two (2) weeks of April 1.

1202.10 Landscaping Specifications:

Landscaping shall be provided in accordance with the following specifications:

- a. Planting required in buffer areas as outlined in §1202.2 cannot be substituted for any required planting mandated in this Section.

- b.** A landscaping plan, with detailed drawings, must be submitted prior to building permit application and this landscaping plan must contain and show the following information:
- 1.** All required buffer areas with proposed plantings (Identifying each proposed tree, bush or shrub) drawn to scale and identifying the height and width of any proposed mounds.
 - 2.** All required planting independent of any buffer area requirements (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale.
 - 3.** Any planting in excess of the requirements in §1202.1 and §1202.2 of this Ordinance.
 - 4.** Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
 - 5.** Any existing trees or vegetation which will be removed, accurately identifying their relative location.
- c.** At least one (1) deciduous tree must be planted for each one thousand (1,000) square feet of lot area occupied by the building footprint in conjunction with any non-residential development.
- d.** At least one (1) deciduous tree must be planted for each dwelling unit in conjunction with any multi-family development.
- e.** All trees which are required to be planted as per the regulations of this Section shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground at the time of planting measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.
- f.** Any existing trees which are not disturbed and are not located within a required buffer area and are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall count towards the required number of trees to be planted outside of the buffer area.
- g.** In parking areas containing more than twenty (20) spaces, at least five percent (5%) of the interior parking area shall be landscaped with plantings and one (1) tree for each ten (10) spaces shall be installed.
- h.** Whenever an open parking area abuts a public street, a planting strip, at least five (5) feet in depth, planted and maintained with shrubbery, trees or other landscape or decorative materials, shall be installed across the entire frontage of the property in order to prohibit vehicles access, except at approved ingress and egress points.

- i. All areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be given the same interpretation given that phrase as it is used in §1202.9 of this Ordinance.

1202.11 Posting of Bond for Landscaping

A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Township in the amount of fifteen percent (15%) of the total cost of landscaping shown on the approved landscaping plan for a period of two (2) years from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

SECTION 1203 SPECIAL YARD REQUIREMENTS

In addition to the yard requirements specified in each Zoning District, the following yard requirements shall apply in all Zoning Districts to the applicable circumstances described below:

1203.1 Corner Lots:

Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall constitute side yards. There shall be no rear yard required.

1203.2 Nonconforming Lots of Record

See Section 1503.

1203.3 Accessory Structures:

In all Zoning Districts the following regulations shall apply to accessory structures:

a. Private Swimming Pools Accessory to a Dwelling:

Swimming pools accessory to a dwelling shall be located at least ten (10) feet from the dwelling or any property line. Swimming pools shall not be permitted in the front yard. All swimming pools and the equipment necessary for maintaining the pool shall be completely enclosed by a fence which is at least four (4) feet in height and which has a self-closing and self-latching gate. The dwelling may constitute a part of the required enclosure.

For an above ground swimming pool which is completely enclosed by a railing around the entire perimeter where the combined height of the pool and railing is at least four (4) feet above the adjacent ground level at all points and which has a self-latching retractable ladder, the pool shall not be required to be fenced. All other above ground swimming pools shall be fenced in accordance with the requirements of this Sub-paragraph (a).

b. Structures Accessory to Industrial Uses:

In the I-B, Industrial and Business, District, no accessory structure to an industrial or warehousing use shall be permitted in a front yard. Accessory structures shall be permitted in a side or rear yard provided that they shall be located at least twenty (20) feet from the side or rear lot line.

c. Canopies and Similar Structures:

Canopies and similar permanent free-standing roofed structures without walls shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing areas accessory to authorized uses in the C-1, Highway Commercial, and I-B, Industrial and Business, Districts, provided that:

1. Such structure may be located in the required front yard;
2. Such structure shall be located at least ten (10) feet from any property line or street right-of-way;
3. Such structure shall not be enclosed; and
4. Such structure shall be removed immediately, once the principal use or the use of the accessory structure is discontinued.

d. Accessory Storage Structures and Detached Garages:

On residential lots in the R-1 and N-S Districts with an area of less than one (1) acre, storage structures accessory to a single family dwelling having a total floor area of one hundred eighty (180) square feet or less shall be located at least five (5) feet from the rear property line and shall be located at least ten (10) feet from a side property line, but shall not be located in any front yard. All other storage structures accessory to a dwelling and all detached garages in all Districts shall not be located in the minimum required front yard, rear yard or side yard setbacks.

1203.4 Visibility at Intersections

In all Zoning Districts, no object, including without limitation, fences, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three (3) feet as measured from the lowest elevation of the centerline of any abutting street, shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required on a corner lot. The required clear sight triangle on a corner lot shall be determined as follows:

The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of thirty (30) feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle. (See Illustration in Appendix A)

SECTION 1204 PERMITTED PROJECTIONS INTO REQUIRED YARDS

The following shall be permitted to project into any minimum required yard in any Zoning District as follows:

Typical architectural features, including, but not limited to, bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than eighteen (18) inches.

Decks and their stairs and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into required front and side yards no more than three (3) feet and shall be no closer to the rear property line than twenty (20) feet.

Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than three (3) feet.

SECTION 1205 HEIGHT EXCEPTIONS

The height limitations of this Ordinance shall not apply to the following structures: Church spires, chimneys, elevator bulk heads and other mechanical equipment which is part of the principal structure, conveyors, flagpoles, silos and other agricultural structures, standpipes, elevated water tanks, derricks, public utility structures, and other structures not intended for human habitation which do not exceed the height limitations of the Zoning District by more than fifteen (15) feet.

SECTION 1206 DRIVE-THROUGH FACILITIES

All businesses which propose drive-through facilities, as defined by this Ordinance, as accessory uses or principal uses shall meet all of the following requirements.

- A.** In addition to the parking spaces required for the principal use, a minimum of five (5) standing spaces, in one (1) lane, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing space shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right of way or overflow onto adjacent properties, streets, or berms.
- B.** Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.

- C. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

SECTION 1207 TEMPORARY CONSTRUCTION TRAILERS, MODEL HOMES OR SALES OFFICES

Temporary construction trailers or model homes or sales offices shall be permitted in any Zoning District subject to the following conditions:

- 1207.1** Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit or under Township approval to install public improvements. The temporary construction trailer shall be removed upon completion of the construction of authorized under a building permit or upon completion of the installation of the public improvements in a plan of subdivision. In the event that construction is phased, the temporary construction trailer shall be moved from the completed phase to the next phase when ninety percent (90%) of the required improvements in the completed phase have been installed as determined by the Township Engineer.
- 1207.2** Model homes or sales offices shall be permitted only until ninety percent (90%) of the lots or dwelling units in the development are sold. In the case of a phased development, the use of a model home or sales office shall be permitted to continue only if the subsequent phase is initiated within six (6) months of the completion of ninety percent (90%) of the lots or dwelling units in the prior phase.
- 1207.3** A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six (6) months.
- 1207.4** Temporary construction trailers shall be located on the lot on which the construction is progressing and shall not be located within twenty-five (25) feet of any property line adjoining residential use.
- 1207.5** Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.
- 1207.6** No combustible materials shall be stored in temporary construction trailers.

- 1207.7** Model homes shall be located on a separate lot and shall meet all the requirements for permanent dwellings in the Zoning District in which they are located. Sales offices may be located in a model home or may be located in a trailer located on a vacant lot in the plan or on the site of construction. If the sales office is located in a trailer, the trailer shall not be located within twenty-five (25) feet of any property line adjoining residential use.
- 1207.8** Model homes or sales offices located in a trailer shall not be utilized for any dwelling use, whatsoever, during the time they are approved as a temporary use or structure in accordance with the provisions of this Section.
- 1207.9** Model homes or sales offices shall be used primarily for sales associated with the development in which they are located and shall not be used as the only place of business for the listing realtor.

SECTION 1208 AGRICULTURE

Agricultural activities, including greenhouses, stables, kennels and animal husbandry, shall be subject to the following requirements.

- 1208.1** Storage of manure, odor or dust producing substances shall be located at least one hundred (100) feet from any property line.
- 1208.2** Any building used for the shelter, raising or feeding of livestock or poultry that has a gross floor area of less than ten thousand (10,000) square feet shall be located at least two hundred (200) feet from any street right-of-way line or property line. Any building used for the shelter, raising or feeding of livestock or poultry that has a gross floor area of ten thousand (10,000) square feet or more shall be located at least three hundred (300) feet from any street right-of-way line or property line.
- 1208.3** Greenhouse heating plants shall be at least one hundred (100) feet from any property line. The retail sales area for a greenhouse shall not exceed twelve hundred (1,200) square feet. The growing area shall not be considered sales area.
- 1208.4** Outdoor kennels shall be located at least three hundred (300) feet from any property line.
- 1208.5** Concentrated Animal Operations, as defined by State statute, shall comply with all applicable provisions of the PA Nutrient Management Act.

SECTION 1209 AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

When required, all new construction and additions or enlargements of existing structures or facilities shall comply with the most recent regulations for accessibility as specified in the Americans with Disabilities Act (ADA).

SECTION 1210 SECONDARY DWELLING

- A.** In the R-P District, one (1) permanent secondary dwelling shall be permitted to be constructed on a lot or parcel where the principal use is agriculture, as defined by this Ordinance, without subdividing the property for the secondary dwelling, providing that all of the following requirements are met:
- 1.** If the property were to be subdivided in the future, the area proposed for the secondary dwelling would be capable of meeting the current minimum lot area and lot width requirements specified for a single family dwelling in the R-D Zoning District without creating a nonconforming lot for the existing dwelling.
 - 2.** Adequate vehicular access to a public street is provided for the secondary dwelling.
 - 3.** If a mobile home is proposed to be erected for the secondary dwelling, it shall be subject to the requirements of Section 1211 of this Ordinance.
 - 4.** The owner of the secondary dwelling shall be the owner of the original dwelling. The secondary dwelling shall not be sold to any other party unless and until a plan of subdivision is recorded in the Washington County Recorder of Deeds Office in accordance with all applicable requirements of the Township Subdivision and Land Development Ordinance.
 - 5.** The sole purpose of the secondary dwelling shall be to provide a permanent dwelling for a person or persons who are working on the farm as tenants or as paid or unpaid employees.
 - 6.** Evidence of sanitary sewer service approved by the Local Sanitary Council to serve the secondary dwelling shall be submitted to the Township.
- B.** One (1) accessory dwelling shall be permitted to be constructed on a lot or parcel in the R-P or R-1 District containing an existing single family dwelling without subdividing the property for the secondary dwelling, provided all of the following requirements are met:

1. There is an agreement executed between the Township and the applicant specifying the nature of the hardship creating the need for a short term accessory dwelling and defining a reasonable time limit for the secondary dwelling.
2. Evidence of sanitary sewer service approved by the Local Sanitary Council to serve the secondary dwelling is submitted to the Township.
3. If the property were to be subdivided in the future, the area proposed for the secondary dwelling would be capable of meeting the minimum lot area and lot width requirements for a single family dwelling in the District in which it is located without creating a nonconforming lot for the existing dwelling.
4. The applicant shall demonstrate a hardship related to the need for the accessory dwelling to house a family member on a short-term basis.
5. The accessory dwelling shall not be sold, nor shall it be leased to a non-family member, unless the lot is recorded subject to approval of a subdivision plan by the Township.

SECTION 1211 MOBILE HOMES ON INDIVIDUAL LOTS

A mobile home which is proposed to be used as a single family dwelling and is to be erected on an individual lot of record outside a mobile home park shall meet the following requirements:

- A. The lot shall meet all applicable requirements for a single family dwelling in the Zoning District in which it is proposed to be located.
- B. The mobile home shall meet the specifications for manufacture of mobile homes as set forth in the United States Standards Institute, "Standards for Mobile Homes" USA Standard A119.1-1969 NFPA No. 501B-1968 and any subsequent modification or amendment of such standards.
- C. The mobile home shall bear the seal of the U.S. Department of Housing and Urban Development (HUD).
- D. The mobile home shall be installed upon, and securely fastened to, a frost-free foundation or footer, and, in no event, shall it be erected on jacks, loose blocks or other temporary materials.
- E. An enclosure of compatible design and material shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

- F. The mobile home shall be connected to public water and a public sewer system, if available. If not, the owner shall provide a potable water supply from his own, or an adjacent well, and shall provide an on-lot sewage disposal system that shall meet the standards of the Pennsylvania Department of Environmental Protection (DEP).
- G. Prior to occupancy, the mobile home shall be connected to available utilities in order to provide the dwelling unit with adequate heat and light.
- H. Any garage, utility shed or other out-building constructed on the lot shall conform with the standards applicable to such accessory structures provided in §1203.3 of this Ordinance.

SECTION 1212 ON-SITE SALES ACCESSORY TO A FARM

- 1212.1** All sales shall be conducted on the premises of a farm, as defined and regulated by this Ordinance.
- 1212.2** At least fifty percent (50%) of the products sold shall be products raised, grown or produced on the farm.
- 1212.3** All permanent structures shall comply with the yard requirements for principal structures in the District in which the property is located.
- 1212.4** Seasonal roadside stands shall be located no closer than fifteen (15) feet to any street right-of-way or property line.
- 1212.5** Buildings used for retail sales of agricultural products shall not exceed one thousand (1,000) square feet of sales floor area for every ten (10) acres of land farmed. No building used for agricultural products shall exceed five thousand (5,000) square feet of sales area.
- 1212.6** Off-street parking for permanent structures shall be provided in accordance with the requirements of Section 1302 for retail businesses.
- 1212.7** Off-street parking for seasonal roadside stands shall be provided in accordance with the requirements of Section 1302 for retail businesses, however, in no case shall less than five (5) spaces be provided.
- 1212.8** Off-street parking shall be improved with a dust-free, all-weather surface.
- 1212.9** Adequate ingress, egress and traffic circulation shall be provided so that vehicles do not back onto the street right-of-way and do not park or stand on any street or berm.
- 1212.10** One (1) non-illuminated freestanding sign shall be permitted to announce the agricultural sales, provided the maximum surface area of the sign shall

not exceed thirty-two (32) square feet, the height of the sign shall not exceed eight (8) feet and the sign shall be located no closer than ten (10) feet to any property line or street right-of-way. Two (2) temporary signs announcing the agricultural sales shall be permitted provided the maximum surface area of each sign shall not exceed eight (8) square feet and the signs shall be removed when the roadside stand or sales facility is not open for business.

SECTION 1213 COMMUNICATIONS ANTENNAS

Where authorized by this Ordinance, communications antennas may be mounted on an existing building or existing public utility storage or transmission structure subject to compliance with the following regulations:

- 1213.1** Building mounted antennas shall not be permitted on any single family or two family dwellings.
- 1213.2** The applicant shall demonstrate that the electromagnetic fields associated with the proposed antennas comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).
- 1213.3** The applicant shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning Regulations.
- 1213.4** Building mounted antennas shall be permitted to exceed the height limitations of the District by no more than twenty (20) feet. Antennas mounted on an existing public utility storage or transmission structure shall not project more than twenty (20) feet above the height of the tower.
- 1213.5** Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter.
- 1213.6** Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width.
- 1213.7** Satellite and microwave dish antennas mounted on the roof of a building or on an existing public utility storage or transmission structure shall not exceed six (6) feet in diameter.
- 1213.8** Satellite and microwave dish antennas mounted on an existing building or existing public utility storage or transmission structure shall not exceed two (2) feet in diameter.

- 1213.9** The applicant proposing a building mounted antenna shall submit evidence from a structural engineer certifying that the proposed installation will not exceed the structural capacity of the building considering wind and other loads associated with the antenna's location.
- 1213.10** Evidence of lease agreements and easements necessary to provide access to the building or structure for installation and maintenance of the antennas and placement of the equipment cabinet or equipment building shall be provided to the Township.
- 1213.11** The placement of the equipment cabinet or equipment building shall not obstruct the free flow of traffic on the site, shall not reduce any parking required or available for other uses on the site and shall not obstruct any right-of-way or easement without the permission of the owner or grantor of the right-of-way or easement.
- 1213.12** Unless located within a secured building, the equipment cabinet or equipment building shall be fenced by a ten (10) foot high chain link security fence with locking gate. If the equipment cabinet or equipment building is visible from any public street or adjoining residential property, the equipment cabinet or equipment building shall be screened by a minimum six (6) foot high compact evergreen hedge.
- 1213.13** If vehicular access to the equipment cabinet or equipment building is not provided from a public street or paved driveway or parking area, an easement or right-of-way shall be provided which has a minimum width of twenty (20) feet and which shall be improved with a dust-free all-weather surface for its entire length.
- 1213.14** At least one (1) off-street parking space shall be provided on the site within a reasonable walking distance of the equipment cabinet or equipment building to facilitate periodic visits by maintenance workers.

SECTION 1214 NO IMPACT HOME BASED BUSINESS

No impact home based businesses, as defined herein, shall comply with the following:

- 1214.1** The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- 1214.2** The business shall employ no employees other than family members residing in the dwelling.
- 1214.3** There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.

- 1214.4** There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- 1214.5** No on-site parking of commercially identified vehicles shall be permitted.
- 1214.6** The business activity shall 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.
- 1214.7** The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- 1214.8** The business activity shall be conducted only within the dwelling and shall not occupy more than twenty-five percent (25%) of the habitable floor area of the dwelling.
- 1214.9** The business shall not involve any illegal activity.

ARTICLE XIII

OFF-STREET PARKING AND LOADING

SECTION 1300 APPLICABILITY

Off-street parking spaces shall be provided in accordance with the specifications in this Article in any District whenever any new use is established or existing use is enlarged.

SECTION 1301 OFF-STREET PARKING DESIGN

Parking areas in all Zoning Districts shall comply with the following standards:

1301.1 Size:

Each off-street parking space shall have an area of not less than one hundred eighty 180 square feet, exclusive of access drives or aisles, shall have minimum dimensions of nine (9) feet in width and twenty (20) feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto the cartway of any public street.

1301.2 Design:

The minimum dimensions of aisles and driveways shall be as follows:

- a. Minimum width of aisles providing two-way travel shall be twenty-four (24) feet.
- b. Minimum width of aisles providing one-way travel shall vary with the angle of parking, as follows:

Parallel	12 feet
30 degree	14 feet
45 degree	16 feet
60 degree	20 feet

- c. The minimum width of entrance and exit drives shall be:
 - 1. For one-way travel, a minimum of twelve (12) feet.
 - 2. For two-way travel, a minimum of twenty-four (24) feet.
 - 3. A maximum of thirty-five (35) feet at the street line and fifty-four (54) feet at the curb line.

4. Adequate sight distance shall be provided, subject to review and approval by the Township Engineer. Driveways shall not exceed a slope of ten percent (10%) within twelve (12) feet of the street right-of-way line.

1301.3 Access:

Access to parking areas shall be provided in accordance with the following requirements:

- a. Where an existing lot does not adjoin a public or private street, alley or easement of access, an access drive shall be provided leading to the parking area.
- b. Access to off-street parking areas shall be limited to well defined locations, and in no case shall there be unrestricted access along the length of a street. In any District, other than a Residential District, the street frontage shall be curbed to restrict access to the lot, except where access drives are proposed.
- c. The number of access drives from a single lot or development to any public street shall not exceed two (2) for every four hundred (400) feet of street frontage.
- d. Except on corner lots, access drives shall be located at least two hundred (200) feet from the intersection of any two (2) street right-of-way lines. Where a site has frontage on more than one (1) street, access shall be provided from the street with the lower traffic volume, if physically practical.
- e. Access drives entering State highways are subject to a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation (PA DOT). Access drives entering Township streets shall be subject to a driveway permit.
- f. Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.

1301.4 Joint Use of Facilities:

Two (2) or more uses may provide the required parking in a common parking lot, if the total spaces provided are not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below the total as a use by special exception to be granted by the Zoning Hearing Board, provided it can be demonstrated that the hours or days of operation or peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

1301.5 Safety Requirements:

The Board of Supervisors shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings within and adjoining the boundaries of the development site.

1301.6 Marking:

In paved parking areas, all parking spaces shall be clearly delineated by painted lines or markers. All parking spaces shall be provided with bumper guards or wheel stops for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Handicapped parking shall be appropriately marked by signage.

1301.7 Location of Parking Areas:

Required parking spaces shall be located on the same lot with the principal use.

No parking area containing more than five (5) parking spaces shall be located closer than ten (10) feet to any adjoining property line and parking authorized in front yards shall be located at least ten (10) feet from the street right-of-way line.

1301.8 Screening and Landscaping:

Parking areas containing more than twenty (20) parking spaces shall be effectively screened by a Buffer Area C, as defined by §1202.2 of this Ordinance, along any property line which adjoins a residential use or Residential Zoning District classification.

In addition, a planting strip at least five (5) feet wide shall be provided between the edge of the right-of-way and any parking area authorized in any yard which fronts on a street. Planting strips between the right-of-way and the parking area shall be suitably landscaped and maintained in grass, ground cover or other landscaping material not in excess of three (3) feet in height which shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street. (See §1203.4)

1301.9 Surfacing:

All parking areas and access drives shall be improved with a dust-free, all-weather surface.

1301.10 Lighting:

Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any Residential Zoning District or residential use and away from any streets or highways. The lighting system shall furnish an average minimum of 2.0 footcandles during hours of operation.

1301.11 Stormwater Management:

All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the Township Subdivision and Land Development Ordinance and to review and recommendation by the Township Engineer.

SECTION 1302 OFF-STREET PARKING REQUIREMENTS

Any new use or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street parking spaces.

1302.1 When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.

1302.2 Where more than one (1) use exists on a lot, parking requirements for each use shall be provided.

1302.3 The following table of parking requirements specifies the number of spaces required for various categories of uses in any Zoning District.

USE	PARKING SPACES REQUIRED
Animal Hospital	One (1) space for each doctor and employee plus two (2) spaces for each treatment room
Banks and Financial Institutions	One (1) space per 300 sq. ft. of gross floor area plus one (1) per employee on peak shift plus five (5) off-street waiting spaces per drive-in window.
Bowling Alleys	Five (5) spaces for each alley
Business and Professional Offices	One (1) space for every 300 sq. ft. of net floor area
Business Services	One (1) space for every 300 sq. ft. of net floor area
Churches	One (1) space per four (4) seats or 80 lineal inches of pew, or if there are no pews or seats, one (1) space per 15 sq. ft. of floor area used for assembly

USE	PARKING SPACES REQUIRED
Clinics	One (1) space for each staff plus three (3) spaces for each examining or treatment room or other patient service position
Compressor Station	A minimum of five (5) spaces for visitors and maintenance vehicles
Day Care Centers	One (1) space for each teacher and/or employee on largest shift plus one (1) space per each six (6) students
Fast Food Establishments	One (1) space per 50 sq. ft. of gross floor area plus one (1) space per employee on peak shift
Flex Space	Each portion of the floor area used for office, manufacturing and/or warehousing shall meet the minimum requirements of this Section for that specific use
Funeral Homes	Twenty-five (25) spaces for the first parlor plus ten (10) spaces for each additional parlor
Garden Apartments	Two (2) spaces per dwelling unit plus 0.5 spaces per dwelling unit for visitors located within 300 feet of the units they are intended to serve
Golf Courses	Eight (8) spaces for each hole plus one (1) space for each employee
Group Care Facility	One (1) space for each employee on peak shift plus one (1) space for each resident authorized to drive plus one (1) space for each six (6) beds
High-rise Apartment	One and one-half (1 ½) spaces per dwelling unit provided indoors
Hospitals and Nursing Homes	One (1) per three (3) beds and one (1) for each employee on the peak working shift
Hotel/Motel	One (1) space per employee on peak shift plus one (1) per sleeping unit
Indoor Amusement	One (1) space for each 75 square feet of net floor area
Indoor Places of Assembly	One (1) space for each 75 square feet of net floor area
Libraries/Museums	One (1) space for each 250 sq. ft. of gross floor area
Manufacturing	One (1) space for each 1,500 sq. ft. of gross floor area or one (1) space for each employee on the peak working shift, whichever is greater

USE	PARKING SPACES REQUIRED
Mixed Use Building	Parking shall be calculated based on the floor area devoted to each use using the ratio in this Table for each use
Natural Gas Processing Facility	One (1) space for each employee on peak shift, plus a minimum of five (5) spaces designated for visitors
Nursery School	One (1) space for each teacher and/or employee on largest shift plus one (1) space per each six (6) students
Oil and Gas Well Site	During drilling operations, adequate unpaved parking areas shall be provided for employees working on peak shift and all vehicles and equipment stored on site.
Personal Care Boarding Home	One (1) space for each employee on peak shift plus one (1) space for each resident authorized to drive plus one (1) for each six (6) beds
Pet Grooming	One (1) space for each employee on peak shift plus three (3) spaces for each service position
Private Club	One (1) space for each 100 sq. t. of floor area accessible to the members
Public Utility Installation	One (1) space per employee on peak shift plus one (1) space for each service vehicle stored on the lot
Restaurant	One (1) space for each 75 sq. ft. of gross floor area plus one (1) space for each employee on peak working shift
Retail Businesses, Personal Service Establishments	One (1) space for each 250 sq. ft. of gross floor area
Schools, Elementary and Junior High	One (1) space for each employee or faculty member
Schools, Secondary and Post Secondary	One (1) space for each employee or faculty member plus one (1) space for each 10 students
Service Station/ Vehicle Repair Garages	Four (4) spaces for each bay plus one (1) space for each employee on peak shift plus one (1) space for each business vehicle
Single Family Dwelling	Two (2) spaces per dwelling unit
Swimming Pools, Public/Commercial	One (1) space for each 50 sq. ft. of surface water area

USE	PARKING SPACES REQUIRED
Tavern	One (1) space for each 75 sq. ft. of gross floor area plus one (1) space for each employee on peak working shift
Tennis, Racquetball and Handball Courts	One (1) space per employee plus (4) spaces for each court
Townhouses	Two (2) spaces per dwelling unit plus 0.5 spaces per dwelling unit for visitors located within 300 feet of the units they are intended to serve
Transitional Dwelling	One (1) space for each employee on peak shift plus one (1) space for each resident authorized to drive plus one (1) for each six (6) beds
Two Family Dwelling	Two (2) spaces per dwelling unit
Warehousing, Freight Terminals, Wholesaling	One (1) space for each two (2) employees on peak working shift

1302.4 All other uses shall provide one (1) space for each three (3) occupants at maximum permitted occupancy or one (1) space for each three hundred (300) square feet of gross floor area whichever is greater.

SECTION 1303 OFF-STREET LOADING

In all Zoning Districts, whenever a new use is established or an existing use is structurally altered, converted or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this Section.

1303.1 Off-Street Loading Design:

a. Size:

Each loading berth shall be at least sixty-five (65) feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.

b. Access:

Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Township Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.

c. Location:

All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least thirty (30) feet from the nearest point of intersection of any two (2) streets.

d. Screening:

Loading berths shall be screened by a six (6) foot hedge, wall or opaque fence on all sides which face residential use or zoning district classification.

e. Surfacing:

All loading berths shall be improved with a dust-free, all-weather surface and shall be graded with positive drainage to dispose of surface water.

f. Lighting:

Any lighting used to illuminate loading berths shall be designed to reflect from any adjoining residential use or zoning classification and away from any street or highway.

1303.2 Off-Street Loading Requirements:

In all Zoning Districts, every use which requires the receipt or distribution, by tractor trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:

Uses: Department stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores, personal or business service establishments, storage warehouses or any similar uses which receive deliveries:

GROSS FLOOR AREA	NUMBER OF BERTHS REQUIRED
Under 20,000 sq. ft.	None
20,000 to 39,999 sq. ft.	1 berth
40,000 to 65,000 sq. ft.	2 berths
For each additional 60,000 sq. ft.	1 additional berth

Uses: Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings and similar uses which receive deliveries:

GROSS FLOOR AREA

**NUMBER OF BERTHS
REQUIRED**

Under 40,000 sq. ft.

None

40,000 to 59,999 sq. ft.

1 berth

60,000 to 99,999 sq. ft.

2 berths

100,000 to 160,000 sq. ft.

3 berths

Over 160,000 sq. ft.

3 berths plus 1 additional
berth for each 60,000 sq.
ft. or portion thereof

1303.3

In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public right-of-way.

ARTICLE XIV

SIGNS

SECTION 1400 APPLICABILITY

The regulations contained in this Article shall apply to all signs in all zoning districts.

SECTION 1401 TYPES AND CLASSES

Signs in all Zoning Districts shall be categorized according to the types and classes described below and shall comply with the requirements for those types and classes described in this Section.

1401.1 Classes:

Signs are classified by physical attributes into the following categories:

a. Freestanding:

A sign supported on a foundation or by one (1) or more uprights, poles or braces permanently affixed to the ground and not attached to any building

1. Pole Sign:

A freestanding sign which is supported by one (1) or more poles, uprights or braces and which has a minimum clearance between the bottom edge of the sign and the adjacent ground level, as specified by this Ordinance.

2. Ground Sign:

A freestanding sign which is affixed to the ground by means of a permanent foundation and which provides a maximum clearance of eighteen inches (18") between the bottom edge of the sign and the adjacent ground level.

3. Monument Sign:

A sign supported on two (2) posts or uprights located at the entrance to a shopping center or planned business park identifying the name of the shopping center or planned business park and which may include the names of one (1) or more of the tenants in the shopping center or planned business park.

b. Wall:

A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than six (6) inches from the wall of the building.

c. Arcade Sign:

A sign suspended beneath a ceiling of an arcade, a roof or marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof or marquee to identify the location of establishments within a shopping center or similar building.

d. Bulletin:

A type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools to announce events.

e. Roof Sign:

A sign erected and maintained upon or above the roof of any building which projects no more than six (6) feet above the roof.

f. Overhanging:

A sign, other than a wall sign or arcade sign, affixed to a building or wall whose leading edge extends beyond such building or wall more than six (6) inches, including awnings, marquees or similar structures used for business identification.

g. Billboard:

An off-premises sign which advertises an establishment, activity, person, product or service which is unrelated to or unavailable on the premises where the billboard is located.

h. Changeable Copy:

A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign, either manually or electronically.

i. Indirectly Illuminated:

A sign which is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is stationary and constant in intensity and

color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.

j. Internally Illuminated:

A sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

1401.2 Types:

Signs are categorized by use, function or purpose into the following types:

a. Residential Identification Sign:

A sign containing only the name and address of the occupant of the premises.

b. Home Occupation Identification Sign:

A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

c. Residential Plan Identification Sign:

A permanent wall or free-standing ground sign containing only the name and address of a plan of subdivision or a multifamily building or development.

d. Real Estate Sign:

A temporary sign advertising the sale or rental of the premises. The signs may also bear the words "sold", "sale pending" or "rented" across their face.

e. Development Sign:

A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.

f. Contractor's Sign:

A temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.

g. Notification Sign:

A sign bearing legal and/or property notices such as: “no trespassing”, “private property”, “no turnaround”, “safety zone”, “no hunting” and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.

h. Off-Premises Directional Sign:

A sign, other than a Billboard, which directs the public to an establishment, activity, person, product or service which is not sold, produced or available on the property on which the sign is located.

i. On-Premises Directional Sign:

A sign which directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.

j. Political Sign:

A temporary sign which indicates the name, cause or affiliation of anyone seeking public office or which refers to an issue concerning which a public election is scheduled to be held.

k. Business Identification Sign:

A sign which contains the name, address and goods, services, facilities or events available on the premises.

l. Temporary Special Event Display:

A banner, flag, pennant or similar display constructed of durable material and affixed to the wall of a building erected for a period not exceeding thirty (30) days whose sole purpose is to advertise a special event.

m. Window Display:

A sign or group of signs affixed to the inside of a display window in a commercial establishment which advertises a product or service available on the premises or which announces or promotes a special sale or special event.

SECTION 1402 GENERAL REGULATIONS

The following regulations shall apply to signs in all Zoning Districts:

1402.1 Restricted Signs:

The following signs shall not be permitted in any Zoning District:

- a. "A-Frame" or sandwich board signs;
- b. Portable or Wheeled Signs, other than Temporary Special Event Displays authorized by this Ordinance;
- c. Banners and Pennants, other than Temporary Special Event Displays authorized by this Ordinance;
- d. Inflatable structures of any kind;
- e. Moving or Flashing Signs, except for that portion of an authorized sign which indicates time or temperature or an authorized electronic changeable copy sign;
- f. Signs on trees, utility poles or official traffic control devices or signs;
- g. Signs which imitate traffic control devices;
- h. Signs painted on walls or chimneys of a building or on fences or walls;
- i. Strings of lights, flashers, flags, pennants or other display paraphernalia except those displays specifically authorized by this Article;
- j. Overhanging Signs, as defined herein;
- k. Roof Signs, as defined herein;
- l. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

1402.2 Exempt Signs:

The following signs shall be exempt from these regulations:

- a. Political Signs;
- b. Residential Identification Signs, as defined herein;
- c. Holiday decorations displayed for recognized Federal or State holidays, provided they do not interfere with traffic safety or do not, in any other way, become a public hazard;
- d. Memorial/Historical Plaques, as defined herein;
- e. Window Displays, as defined herein, provided they shall not exceed twenty percent (20%) of the gross surface area of all windows in an establishment;
- f. Signs erected by a governmental agency, including street signs and official traffic signs, but not including Off-Premises Directional Signs regulated by §1203.8.

1402.3 Lots with Multiple Street Frontage:

In all Zoning Districts, lots fronting on more than one (1) street shall be permitted to have one (1) sign which is authorized per lot on each street frontage.

1402.4 Temporary Signs:

In all Zoning Districts where authorized by Section 1403, real estate, construction and development signs shall be considered temporary signs which shall be removed within thirty (30) days of the completion of sales or construction. Temporary special event signs shall be regulated by §1403.5.

1402.5 Notification Signs:

In all Zoning Districts, the number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the Commonwealth. In all Zoning Districts, legal notification signs posted on private property by property owners such as “no trespassing”, “no hunting” and the like shall be limited to a surface area not exceeding two (2) square feet. The placement and maximum number of signs permitted along road frontages shall be one (1) sign for every thirty (30) feet of road frontage.

1402.6 Visibility:

No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and off-premises directional signs, shall hang over or be erected within the right-of-way of any street. No sign shall be located within the clear sight triangle defined by §1203.4 of this Ordinance.

1402.7 Illumination:

Illumination, when authorized by this Ordinance, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.

1402.8 Maintenance and Inspection:

All signs must be constructed of a durable material and maintained in good condition. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner in writing to repair or remove the sign within ten (10) days. Upon failure of the owner to comply, the Township shall remove the sign at the owner’s expense.

1402.9 Removal of Signs:

Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Township shall remove the sign at the owner’s expense.

1402.10 Permits Required:

No permit shall be required for the following types of signs as described in §1401.2 above: Notification, Real Estate and Construction Signs and Off-Premises Directional Signs erected by a governmental agency. Permits shall be required for all other signs authorized by Section 1403 through Section 1405. The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this Ordinance and payment of the required fee established from time to time by Resolution of the Board of Supervisors.

1402.11 Expiration of Permits:

Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within six (6) months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

1402.12 Sign Location:

Except for Billboards and Off-Premises Directional Signs, as defined herein, where authorized by this Ordinance, all signs shall be located on the premises which they are intended to serve.

SECTION 1403 SIGNS AUTHORIZED IN ALL ZONING DISTRICTS

The following signs are authorized in all Zoning Districts:

1403.1 Bulletin Sign:

One (1) Bulletin Sign which is non-illuminated or indirectly or internally illuminated and which does not exceed twenty-four (24) square feet in surface area, shall be permitted in connection with any church, school, library or similar public or semi-public building.

1403.2 Real Estate Sign:

One (1) non-illuminated temporary Real Estate Sign shall be permitted on each lot provided the surface area of the sign shall not exceed six (6) square feet in height. The Real Estate Sign shall not exceed twelve (12) square feet in surface area when located in any Rural Preservation or Residential Zoning District. In all other Zoning Districts, the surface area of the sign shall not exceed thirty-two (32) square feet, unless the

development site comprises fifty (50) or more acres. On sites of fifty (50) or more acres the maximum surface area of the sign shall be one hundred fifty (150) square feet. Such sign shall be removed within thirty (30) days of the sale or rental of the property on which it is located.

1403.3 Development Sign:

One (1) non-illuminated temporary Development Sign shall be permitted on each lot provided the surface area of the sign shall not exceed thirty-two square feet in surface area. The Development Signs shall not exceed six (6) feet in height when located in any Residential Zoning District and shall not exceed ten (10) feet in height in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the last lot or completion of the proposed construction in the development.

1403.4 Contractor's Sign:

One (1) non-illuminated temporary Contractor's Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed twelve (12) square feet in area and shall be removed within thirty (30) days of the completion of the work.

1403.5 Temporary Special Event Sign:

One (1) non-illuminated Temporary Special Event Sign, as defined by this Ordinance, shall be permitted to be erected on the face of a public building, church or building housing a non-profit organization, provided that the area of the signs shall not exceed forty (40) square feet and provided the sign is displayed for a period no longer than thirty (30) days and is removed within five (5) days following the event that it is erected to promote.

1403.6 Home Occupation Identification Sign:

One (1) non-illuminated Home Occupation Identification Sign shall be permitted for an approved home occupation, provided that the surface area of the sign does not exceed one (1) square foot and the sign shall contain only the name, address and occupation of the resident and shall not contain any logo or other advertising. The sign may be attached to the wall of the dwelling or may be freestanding, provided the maximum height of the sign shall not exceed four (4) feet and the sign is located at least ten (10) feet from any street right of way line or property line.

1403.7 Off-Premises Directional Signs:

Each business or agency, other than a governmental agency, may erect a maximum of four (4) Off-Premises Directional Signs along an arterial or collector street, as defined by this Ordinance, subject to approval of a Use by Special Exception by the Zoning

Hearing Board. The business or agency location shall be no greater than three (3) miles from any Off-Premises Directional Sign related to that business or agency.

The Off-Premises Directional Signs shall be non-illuminated and shall not exceed three (3) square feet in surface area. Such signs shall be permitted in the public right-of-way only if permission is granted by the owner of the right-of-way. Evidence of permission from the landowner shall be required for signs that are proposed to be erected on property owned by an owner other than the owner of the building or use the sign is intended to serve. In the case of signs located within a Penn DOT right-of-way, the sign shall conform to Penn DOT specifications.

Signs located outside the public right-of-way shall be located no more than ten (10) feet from the edge of the right-of-way or no more than fifteen (15) feet from the edge of the cartway, if the right-of-way is not contiguous with the front lot line.

1403.8 On-Premises Directional Signs:

On any lot which contains a multifamily building or non-residential building, On-Premises Directional Signs shall be permitted, provided that the surface area of any one (1) sign shall not exceed four (4) square feet.

On lots with areas less than one (1) acre, a maximum of four (4) non-illuminated or indirectly illuminated On-Premises Directional Signs shall be permitted. On lots with areas of one (1) acre or more, a maximum of six (6) non-illuminated or indirectly illuminated On-Premises Signs shall be permitted on the first acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional On-Premises Directional Signs shall be permitted.

SECTION 1404 SIGNS AUTHORIZED IN RESIDENTIAL ZONING DISTRICTS

The following signs shall be permitted in all R-P and R-1 Zoning Districts:

1404.1 Residential Plan Identification Sign

One (1) non-illuminated or indirectly illuminated permanent wall or free-standing ground Residential Plan Identification Sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development which shall not exceed twenty-four (24) square feet in surface area. A sign identifying the name of a residential subdivision may be affixed to a free-standing decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan.

1404.2 Business Identification Sign:

One (1) non-illuminated or indirectly illuminated wall or free-standing ground identification sign for any business use which is a legal non-conforming use or which is authorized as a conditional use or use by special exception in a Residential Zoning District which shall not exceed twelve (12) square feet in area.

SECTION 1405 SIGNS AUTHORIZED IN NEIGHBORHOOD SERVICES, COMMERCIAL AND INDUSTRIAL DISTRICTS

The following signs shall be permitted in all Neighborhood Services, Commercial and Industrial Districts:

1405.1 Temporary Special Event Signs:

Temporary Special Event Signs, as defined by this Ordinance, shall be permitted provided that:

- a. No more than two (2) signs or banners shall be permitted on any establishment at any one time;
- b. The Temporary Special Event Signs shall be securely attached to the building or to the supporting structure of a free-standing pole business identification sign;
- c. Temporary Special Event Signs shall be displayed for a period not exceeding thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period;
- d. The aggregate surface area of all Temporary Special Event Signs shall not exceed forty (40) square feet per establishment. In the event that there is more than one (1) establishment on a site, the maximum aggregate surface area of all Temporary Special Event Signs on the site at any one time shall not exceed one hundred (100) square feet;
- e. Portable signs or wheeled signs may be used as Temporary Special Event Signs; and
- f. Temporary Special Event Signs shall be non-illuminated.

1405.2 Changeable Copy Signs:

In addition to the authorized business identification signs, one (1) non-illuminated or internally illuminated changeable copy sign (either manual or electronic) shall be permitted per lot, regardless of the number of businesses on the lot, which shall not exceed thirty (30) square feet in area and which shall be permanently affixed to the wall of the building or to the supporting structure of an authorized free-standing sign on the lot.

1405.3 Business Identification Signs:

- a. **Wall Signs:**

Each business establishment shall be permitted to have wall signs which may be illuminated or non-illuminated. The aggregate area of all wall signs shall not exceed two (2) square feet for each lineal foot of width of the front wall of the building, or portion of the building, occupied by the business or a maximum of one hundred (100) square feet, whichever is less. The wall identification sign shall not be located on the roof nor extend above the height of the building.

b. Ground Signs:

In addition to the wall signs, one (1) freestanding ground sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

1. No freestanding pole sign exists or is proposed to be erected on the lot.
2. The maximum surface area of the ground sign shall not exceed twenty-four (24) square feet in the N-S and C-1 Districts. In the I-B and S-D Districts, the maximum surface area of the ground sign shall not exceed forty-eight (48) square feet.
3. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street and in no case shall the total height exceed six (6) feet.
4. Ground signs shall be non-illuminated or indirectly illuminated only. Internally illuminated ground signs shall not be permitted.
5. All freestanding ground signs shall be located at least ten (10) feet from any property line, except where property abuts on a public right-of-way, the ground sign shall be set back at least ten (10) feet from the right-of-way or at least fifteen (15) feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.

c. Pole Signs:

In addition to the authorized wall signs, one (1) free-standing pole sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

1. No free-standing ground sign exists or is proposed to be erected on the lot.
2. The pole sign shall be non-illuminated, indirectly illuminated or internally illuminated.
3. The maximum height of the top of the pole sign shall be twenty (20) feet.

4. The minimum height of the bottom edge of the sign shall be eight (8) feet.
5. The maximum surface area of the free-standing pole sign shall not exceed forty (40) square feet if there is only one (1) business on the lot and shall not exceed sixty-four (64) square feet if there is more than one (1) business on the lot. Neither dimension of such sign shall be less than five (5) feet.
6. No portion of any sign shall project over any public right-of-way nor shall it be located within the clear sight triangle of any street intersection.
7. All free-standing pole signs shall be set back at least ten (10) feet from every property line, except where property abuts on a public right-of-way, the sign shall be set back at least ten (10) feet from the right-of-way or at least fifteen (15) feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.

d. Monument Sign:

In addition to the wall signs, ground signs and pole signs authorized for the individual businesses in a shopping center or planned business park, one (1) Monument Sign shall be permitted at each entrance to a shopping center, provided the sign is set back at least ten (10) feet from any public street right of way or property line. The maximum surface area of the sign shall be one hundred fifty (150) square feet. The Monument Sign may be illuminated or non-illuminated. The maximum height of the Monument Sign shall be twenty-five (25) feet.

e. Arcade Signs:

In shopping centers or office complexes which have pedestrian access ways covered by a roof, marquee or exterior arcade, one (1) Arcade Sign, as defined herein, shall be permitted for each business in the building, provided that the maximum surface area of each sign shall not exceed eight (8) square feet.

SECTION 1406 BILLBOARDS

Billboards shall not be permitted in any R-P, R-1, N-S, C-1 or I-B Zoning District. Billboards shall be permitted only as uses by special exception on property located in the S-D District, provided all of the following requirements are met:

1406.1 Location

Billboards may be authorized as a use by special exception in the S-D District, provided all of the following requirements are met:

- a. Billboards shall be located within five hundred (500) feet of the right of way of a limited access highway.
- b. Billboards shall not be erected within five hundred (500) feet of the boundary line of any "R" Zoning District or within five hundred (500) feet of any public or private school, church or cemetery, said five hundred (500) feet being measured along the radius of a circle from the center-most point of the billboard structure extending in all directions.
- c. On interstate and limited access highways, billboards shall not be erected within five hundred (500) feet of an interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way.
- d. Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of one thousand (1,000) feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the billboard structure along a line extending from the center-most point of the billboard which is parallel to the centerline of the roadway to which the billboard is oriented.
- e. No billboard shall be located closer than ten (10) feet to any public street right-of-way.
- f. The minimum side and rear yard requirements applying to a principal structure as set forth within the Zoning District in which the billboard is to be located shall apply to each billboard structure.
- g. No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements.
- h. No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
- i. No sign shall be erected over any sidewalk or public right-of-way.
- j. Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall or other part of a building or any other structure.

1406.2 Size and Height

A billboard shall have a maximum allowable gross surface area of three hundred (300) square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:

- a. A billboard shall have no more than two (2) sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of 90° or less.
- b. The dimensions of the gross surface area of the billboard's sign face shall not exceed fifteen (15) feet in total height or twenty-five (25) feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.
- c. A billboard structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of forty (40) feet.

1406.3 Construction Methods

Billboards shall be constructed in accordance with applicable provisions of the Township Building Code and shall meet all of the following additional requirements:

- a. A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, non-combustible materials. Structures constructed with galvanized metal shall be painted.
- b. The vertical supports shall be capable of enabling the entire sign face to be able to withstand a minimum one hundred (100) mile per hour wind load. Structural design computations shall be made and certified by a Registered Engineer and shall be submitted to the Township with the application for conditional use.
- c. The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.
- d. Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
- e. No bare cuts shall be permitted on a hillside.
- f. All cuts or fills shall be permanently seeded or planted.
- g. A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum footcandle of 1.5 upon the adjoining property.

- h. If a billboard is located within three hundred (300) feet of a dwelling, display lighting shall not operate between 12:00 Midnight and 5:00 A.M., prevailing local time.
- i. No billboard structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.
- j. The use of colored lighting shall not be permitted.

1406.4 Maintenance

- a. A billboard structure shall be entirely painted every three (3) years, unless construction of an approved corrosive-resistant material.
- b. Every ten (10) years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania Registered Engineer and shall provide to the Township, a certificate from the Engineer certifying that the billboard is structurally sound.
- c. Annual inspections of the billboard may be conducted by the Township to determine compliance with this Ordinance.
- d. Billboards found to be in violation of this Ordinance shall be brought into compliance or removed within thirty (30) days upon proper notification by the Township.
- e. Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.

1406.5 Liability Insurance

The applicant for a Sign Permit to erect a billboard shall provide a Certificate of Insurance for public liability and property damage which holds the Township harmless.

1406.6 Permits

Prior to submission of an application for a Sign Permit, the applicant for a billboard shall obtain and submit with the application, approvals from the Federal Aviation Administration (FAA), when applicable.

Approval of the use by special exception shall be valid for six (6) months from the date of action by the Zoning Hearing Board granting the use by special exception. If the applicant fails to obtain a Sign Permit for the approved billboard within the six (6) month

period, approval of the use by special exception shall expire automatically, without written notice to the applicant.

The issuance of a Sign Permit for a billboard which has been granted approval of a use by special exception shall be conditioned upon the approval of the Pennsylvania Department of Transportation (Penn DOT) for billboards along State highways. If the applicant fails to submit evidence of the required approval by Penn DOT within thirty (30) days of the issuance of the conditional Sign Permit, the Sign Permit shall be revoked by the Township Zoning Officer who shall provide written notice to the applicant.

The applicant may reapply for the required Sign Permit, upon submission of evidence of Penn DOT approval, without payment of any additional Sign Permit Fee, provided the application is filed within the six (6) month period during which the approval of the use by special exception is valid.

1406.7 Application Fees

Said application shall be accompanied by an Application Fee in an amount equal to that set from time to time by Resolution of the Board of Supervisors.

1406.8 Non-conforming Billboards

Any billboard which does not conform to the requirements of this Section shall not be enlarged or moved unless the billboard complies with all provisions of this Section.

Any billboard which is damaged or destroyed by more than fifty-one percent (51%) of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this Section.

ARTICLE XV

NONCONFORMING USES, STRUCTURES AND LOTS

SECTION 1500 APPLICABILITY

This Article shall apply to all nonconforming uses, structures and lots as defined by this Ordinance. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance or any amendment thereto.

SECTION 1501 NONCONFORMING USES

These regulations shall apply to any use of a structure or lot in any Zoning District which is a nonconforming use as defined by this Ordinance. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another of a different classification, these regulations shall also apply to any uses which thereby become nonconforming.

1501.1 Continuation

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Article.

1501.2 Enlargement or Expansion

No nonconforming use of a lot or structure shall be enlarged or increased or extended to occupy a greater area than was occupied at the effective date of adoption or amendment of this Ordinance, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessary by the natural expansion and growth of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the Zoning District in which it is located.

No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Ordinance.

Any nonconforming use may be extended throughout any part of a structure which was designed for such use at the time the use became nonconforming; however, a nonconforming use shall not be extended to occupy any structure, except on a lot or portion of a lot owned at the time the use became nonconforming.

1501.3 Change of Use

A nonconforming use shall not be changed to any use other than a conforming use, except as permitted by the Zoning Hearing Board in accordance with the following:

- a. The new use will more closely correspond to the uses permitted in the district.
- b. The changed use will be in keeping with the character or the neighborhood in which it is located.
- c. The applicant clearly demonstrates a hardship in converting the use to a conforming use in accordance with the criteria of Section 1603 for obtaining a variance.

When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements of Article XIII for the use and shall be subject to the area, bulk and buffer area regulations for such use in the district where such use is authorized.

1501.4 Abandonment

When a nonconforming use of structure and/or lot is discontinued or abandoned for twelve (12) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the zoning district in which it is located.

1501.5 Damage or Destruction

Residential dwellings which are nonconforming uses in the C-1, I-B or S-D Districts may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within three (3) years of the date of destruction.

In the event that damage or destruction of a structure in which a nonconforming use, other than a dwelling, is conducted involves fifty percent (50%) or less of the total floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within eighteen (18) months of the date of destruction.

In the event that a structure in which a nonconforming use, other than a dwelling, is conducted is damaged or destroyed by fire or other means to an extent of more than fifty percent (50%) of its total floor area, the structure shall be reconstructed only to house a conforming use.

SECTION 1502 NONCONFORMING STRUCTURES

These regulations shall apply to all nonconforming structures as defined by this Ordinance in all Zoning Districts.

1502.1 Structural Alteration

No such structure may be enlarged or structurally altered in a way which increases its nonconformity, except when the Zoning Hearing Board, after public hearing, may determine undue hardship and may authorize a reasonable modification of such structure.

1502.2 Damage or Destruction

Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and reoccupancy of the structure occurs within eighteen (18) months of the date that the original structure was damaged or destroyed.

1502.3 Moving

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.

1502.4 Signs

Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than fifty percent (50%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance.

Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.

1502.5 Repair or Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public.

SECTION 1503 NONCONFORMING LOTS

The following regulations shall apply to nonconforming lots, as defined by this Ordinance.

1503.1 Lot Area and Lot Width

Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.

1503.2 Front Yard Setback

Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record shall be the average depth of the nonconforming front yards on the immediately adjacent developed nonconforming lots on either side of the undeveloped lot.

SECTION 1504 REGISTRATION OF NONCONFORMITY

The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Ordinance or any amendment which created the nonconformity, the Zoning Officer shall register the same on a map and by Washington County Assessor's Tax Parcel Number as a legal nonconforming use.

In the course of administering this Ordinance and reviewing applications for Zoning Certificates or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

ARTICLE XVI

ZONING HEARING BOARD

SECTION 1600 MEMBERSHIP

The membership of the Zoning Hearing Board shall consist of three (3) residents of the Township appointed by the Board of Supervisors. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Township, nor shall any member be an employee of the Township. The membership of the Zoning Hearing Board may be increased to five (5) members in accordance with the provisions of Section 903(a) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

SECTION 1601 ALTERNATE MEMBERS

1601.1 Appointment of Alternate Members

The Board of Supervisors may appoint by Resolution at least one (1), but no more than three (3), residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §1601.2, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township, including service as a member of the Planning Commission or as a Zoning Officer nor shall any alternate be an employee of the Township. Any alternate may participate in any proceedings or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to §1401.2 of this Ordinance.

1601.2 Participation by Alternate Members

The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to reach a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an

alternate pursuant to this Subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.

SECTION 1602 JURISDICTION OF THE BOARD

1602.1

Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Board of Supervisors.

1602.2

Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the ordinance.

1602.3

Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

1602.4

Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

1602.5

Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance pursuant to Section 1603.

1602.6

Applications for special exceptions under this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Article XIII and Section 1404.

1602.7

Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code. (Act 247, as amended).

1602.8

Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development.

SECTION 1603 VARIANCES

The Board, upon appeal, shall have the power to authorize variances from the requirements of this Ordinance, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made where relevant in a given case:

1603.1

That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.

1603.2

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

1603.3

That such unnecessary hardship has not been created by the appellant.

1603.4

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

1603.5

That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and protect the public health, safety and welfare.

SECTION 1604 USES BY SPECIAL EXCEPTION

The Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with its general purpose and intent, and in accordance with the standards set forth in Article XI. The Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Article XI. In granting a use by special exception, the Board may attach such reasonable safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare.

SECTION 1605 NOTICE AND CONDUCT OF HEARINGS

A public hearing shall be held on any appeal filed under Section 1602 of this Ordinance within sixty (60) days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this Ordinance. In addition to the public notice, at least one (1) week prior to the public hearing, the Board shall post at least one (1) copy of the notice on the affected property. At least fourteen (14) days prior to the public hearing, the Board shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant. The Board shall comply with all requirements of the Pennsylvania Municipalities Planning Code (Act 247, as amended) regarding conduct of the public hearing and rendering a decision.

SECTION 1606 FAILURE TO RENDER A DECISION

Where the Board fails to render a decision within the required forty-five (45) day period or fails to commence, conduct or complete the required hearing within the time periods specified by 908(1.2) of the Pennsylvania Municipalities Planning Code, (Act 247, as amended), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.

When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner prescribed in Section 1605. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

SECTION 1607 MEDIATION OPTION

Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

Participation in mediation shall be wholly voluntary. The appropriateness of the mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- a.** Funding mediation.
- b.** Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
- c.** Completing mediation, including time limits for such completion.
- d.** Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), provided there is written consent by the mediating parties, and by an applicant or Borough decision-making body, if either is not a party to the mediation.
- e.** Identifying all parties and affording them the opportunity to participate.
- f.** Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- g.** Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures et forth in this Ordinance.

No offers or statements made in the mediation session, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 1608 FEES AND EXPENDITURES

1608.1 Fees

The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

1608.2 Stenographer's Appearance Fee and Transcripts

The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

1608.3 Expenditures

Members of the Board may receive compensation for the performance of their duties as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

SECTION 1609 TIME LIMITATIONS

No person shall file any proceeding before the Zoning Hearing Board later than thirty (30) days after a preliminary or final application for development has been approved by an appropriate Township officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a Planned Residential Development or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended) shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 1610 STAY OF PROCEEDINGS

Upon filing of any proceeding and during its pendency before the Board all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

SECTION 1611 APPEALS

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Washington County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by Subsection 908(9) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

ARTICLE XVII

ADMINISTRATION AND ENFORCEMENT

SECTION 1700 ZONING OFFICER POWERS AND DUTIES

The provisions of this Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by the Board of Supervisors. The Zoning Officer shall hold no elected office in the Township. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning.

The Zoning Officer shall have all the powers and duties conferred upon him by this Ordinance and the Pennsylvania Municipalities Planning Code (Act 247 as amended). The Zoning Officer's duties shall include the following:

- a.** Receive and examine all applications for Zoning Certificates and Certificates of Occupancy.
- b.** Process applications for Zoning Certificates and Certificates of Occupancy for all permitted uses.
- c.** Receive applications for uses by special exception and variances and forward these applications to the Zoning Hearing Board for action prior to considering issuance of a Zoning Certificate or Certificate of Occupancy for the proposed use.
- d.** Receive applications for conditional uses and forward these applications to the Planning Commission and Board of Supervisors for recommendation and action prior to considering issuance of a Zoning Certificate or Certificate of Occupancy for the proposed use.
- e.** Issue permits only where there is compliance with the provisions of this Ordinance, with other Township ordinances and the laws of the Commonwealth.
- f.** Following denial of a Zoning Certificate or Certificate of Occupancy, refer any appeal of the denial to the Zoning Hearing Board for action thereon.
- g.** Conduct inspections and surveys to determine compliance or noncompliance with this Ordinance.
- h.** Issue notices of violation in accordance with the requirements of Section 1701, below.

- i. With the approval of the Board of Supervisors, or when directed by the Board, institute, in the name of the Township, any appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation so as to prevent the occupancy or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- j. Revoke any order or permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
- k. Record and file all applications for Zoning Certificates and Certificates of Occupancy with accompanying plans and documents, which files shall be a public record.
- l. Maintain the official Zoning District Map for the Township.
- m. Register nonconforming uses, structures and lots in accordance with Section 1504 of this Ordinance.

SECTION 1701 ENFORCEMENT

1701.1 Violations

Failure to comply with any provisions of this Ordinance; failure to secure a building/zoning permit prior to the erection, construction, extension, structural alteration or addition to building or structure; or failure to secure an occupancy permit for the use or change of use or occupancy of structures or land, shall be a violation of this Ordinance.

1701.2 Enforcement Notice

The Enforcement Notice shall contain the following information:

- a. The name of the owner of record and any other persona against whom the Township intends to take action.
- b. The location of the property in violation.
- c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
- d. The date before which steps for compliance must be commenced and the date before which the steps must be completed.

- e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Ordinance.
- f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

1701.3 Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this Subsection shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Subsection.

1701.4 Causes of Action

In case any building or structure is erected, constructed, reconstructed, structurally altered, repaired, converted or maintained or any building or structure or land is used in violation of this Ordinance or of any other ordinance or regulation made under authority conferred hereby, the Board of Supervisors or, with approval of the Board of Supervisors, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Township, any appropriate action or proceeding to: prevent, restrain, correct or abate such unlawful erection, construction, reconstruction,

structural alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use which constitutes a violation.

SECTION 1702 ZONING CERTIFICATE REQUIRED

No land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed; and no building or structure may be used or occupied or the use changed until a Zoning Certificate has been obtained from the Zoning Officer.

If a proposed use is listed as a conditional use or use by special exception in the Zoning District in which the use is proposed to be located, the Zoning Officer shall not issue a Zoning Certificate until an application for approval of a conditional use or use by special exception has been reviewed and granted by either the Board of Supervisors or the Zoning Hearing Board in accordance with the provisions of Article XI.

If the proposed use requires approval of a land development plan under the Township Subdivision and Land Development Ordinance, the Zoning Officer shall not issue a Zoning Certificate until the land development plan has been reviewed by the Planning Commission and approved by the Board of Supervisors.

The Zoning Certificate shall be prerequisite to issuance of a Building Permit; and, where no Building Permit is required, the Zoning Certificate shall be prerequisite to issuance of a Certificate of Occupancy. The Zoning Officer shall indicate whether the Zoning Certificate has been issued on all applications for a Building Permit and/or a Certificate of Occupancy.

SECTION 1703 APPLICATION REQUIREMENTS FOR ZONING CERTIFICATE

In those instances where a Zoning Certificate is applied for, the application shall be made in writing by the owner, tenant, vendee under contract of sale or authorized agent, on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include the following information:

- A.** A statement as to the proposed use of the building, structure or land.
- B.** A plan drawn to scale showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
- C.** The location, dimensions and arrangements of all open spaces and yards, including methods to be employed for screening and landscaping.

- D. The location, size, capacity and arrangement of all areas to be used for vehicular access, off-street parking, off-street loading and unloading and provision to be made for lighting such areas.
- E. The dimensions, location and methods of illumination for signs, if applicable.
- F. The location and dimensions of sidewalks and all other areas devoted to pedestrian use.
- G. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
- H. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed gross density.
- I. A description of any proposed industrial or commercial operations in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion and other safety hazards.
- J. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
- K. Any other data deemed necessary by the Zoning Officer to determine compliance with the applicable provisions of this Ordinance.

SECTION 1704 CERTIFICATE OF OCCUPANCY REQUIRED

It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or lot, or part thereof, until a Certificate of Occupancy has been issued therefor by the Zoning Officer.

Upon inspection and determination that all applicable ordinance regulations and any conditions attached to the Zoning Certificate have been met, the Zoning Officer shall issue a Certificate of Occupancy. In the case where work was performed under a building Permit, the Certificate of Occupancy shall include certification by the Building Inspector that all applicable requirements of the Township Building Code have been met.

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in this Ordinance.

The Zoning Officer shall maintain a record of Certificates of Occupancy and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building or lot affected.

A Certificate of Occupancy shall be valid only so long as the use and occupancy of such land or structure shall continuously comply with all of the requirements of approval and applicable regulations of this Ordinance. The Zoning Officer may revoke a Certificate of Occupancy upon his determination that a failure to comply exists. Upon such revocation, any further use or occupancy of such land or structure shall be considered in violation of this Ordinance and subject to the enforcement provisions of Section 1701.

SECTION 1705 PLANNING COMMISSION

The Township Planning Commission has been created on accordance with Article II of the Pennsylvania Municipalities Planning Code to fulfill the advisory role to the Board of Supervisors in the administration of this Ordinance and the Township Subdivision and Land Development Ordinance.

1705.1 Membership

The membership of the Planning Commission shall consist of seven (7) members, all of whom shall be residents of the Township. At least five (5) of the seven (7) members shall be citizen members and shall not be officers or employees of the Township.

The term of office for each member shall be four (4) years and the terms of no more than two (2) members shall expire in any calendar year.

When any vacancies occur, the Chairman shall promptly notify the Board of Supervisors and the Board shall fill the vacancy for the unexpired portion of the term.

1705.2 Duties of the Planning Commission

- a.** The Planning Commission shall, at the request of the Board of Supervisors, have the power and shall be required to:
 - 1.** Prepare the Comprehensive Plan for the development of the Township in accordance with the requirements and procedures set forth in the Pennsylvania Municipalities Planning Code and present it for consideration by the Board of Supervisors.
 - 2.** Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the Board of Supervisors.
- b.** The Planning Commission, at the request of the Board of Supervisors, may:
 - 1.** Make recommendations to the Board of Supervisors concerning adoption or amendment of an official map.

2. Prepare and present to the Board of Supervisors a zoning ordinance and make recommendations to the Board of Supervisors on proposed amendments to it.
3. Prepare and recommend subdivision and land development and planned residential development regulations and amendments thereto and make recommendations to the Board of Supervisors on applications submitted under those regulations.
4. Prepare and present to the Board of Supervisors a building code and a housing code and make recommendations concerning proposed amendments thereto.
5. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code.
6. Prepare and present to the Board of Supervisors an environmental study.
7. Submit a recommended capital improvements program to the Board of Supervisors.
8. Prepare and present to the Board of Supervisors a water survey which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission conducted in consultation with any public water supplier in the area to be surveyed.
9. Promote public interest in, and understanding of, the comprehensive plan and planning.
10. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
11. Hold public hearings and meetings.
12. Present testimony before any board.
13. Require from other departments and agencies of the Township such available information as relates to the work of the Planning Commission.
14. In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the landowner.

15. Prepare and present to the Board of Supervisors a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Township.
 16. Review the zoning ordinance, subdivision and land development ordinance and such other ordinances and regulations governing the development of land no less frequently than it reviews the comprehensive plan.
- c. In the performance of its powers and duties, any act or recommendation of the Planning Commission which involves engineering considerations shall be subject to review and comments of the Township Engineer, which shall be incorporated and separately set forth in any report, written act or recommendation of the Planning Commission.

1705.2Records

The Secretary of the Planning Commission shall keep minutes of all meetings and shall maintain a file of the Commission's records which shall be the property of the Township.

SECTION 1706 PROCEDURE FOR AMENDMENTS

The Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning District Map, as proposed by the Board of Supervisors or by the Planning Commission or by a petition of a landowner of property within the Township.

1706.1Petitions

Petitions for amendments shall be filed with the Planning Commission at least ten (10) calendar days prior to the meeting at which the petition is to be heard. the petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned and a statement justifying the request and shall pay a filing fee, in accordance with the fee schedule fixed by Resolution of the Board of Supervisors. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Board of Supervisors.

1706.2Referral

Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Township Planning Commission and the Washington County Planning Commission shall be referred to these agencies for review at least thirty (30) days prior to the public hearing by the Board of Supervisors. The Board of Supervisors shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of thirty (30) days from the date of referral, whichever comes first.

1706.3 Posting of Property

If the proposed amendment involves a change to the Zoning District Map, a minimum of two (2) notices of the public hearing shall be conspicuously posted on the property at least seven (7) days prior to the date of the public hearing. At least fourteen (14) days prior to the public hearing, the Zoning Officer shall mail a copy of the notice by mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right of way. The cost of mailing the notices shall be paid by the applicant, if an applicant requests the amendment. If the Township initiates the amendment, the Township shall pay the cost of mailing the certified notices

1706.4 Public Notice and Public Hearing

Before acting on a proposed amendment, the Board of Supervisors shall hold a public hearing thereon. Public notice, as defined by this Ordinance, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.

1706.5 Readvertisement and Rehearing

If after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

1706.6 Publication, Advertisement and Availability

Proposed amendments shall not be enacted unless the Board of Supervisors gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

The Board of Supervisors shall publish the proposed amendment once in a newspaper of general circulation in the Township not more than sixty (60) nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor setting forth all the provision in reasonable detail. If the full text is not included:

- (a) A copy thereof shall be provided to the newspaper at the time public notice is published; and
- (b) An attested copy of the proposed ordinance shall be filed in the County Law Library.

1706.7 Action

Within ninety (90) days of the date when the public hearing on the proposed amendment is officially closed, the Board of Supervisors shall vote on the proposed amendment. In the event substantial amendments are made in the proposed amendment before voting on enactment of the amendment, the Board of Supervisors shall readvertise in one (1) newspaper of general circulation in the Township a brief summary of the amendments at least ten (10) days prior to enactment.

1706.8 Filing Amendment with County Planning Commission

Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Washington County Planning Commission.

1706.8 Mediation Option

The Board of Supervisors may offer the mediation option as an aid in completing proceeding authorized by Section 1607. The Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1607 of this Ordinance.

SECTION 1707 FEES

The Board of Supervisors shall establish and revise, from time to time, a schedule of fees by Resolution, as well as a collection procedure, for all applications submitted under the provisions of this ordinance. The schedule of fees shall be available to the public from the Zoning Officer or Township Secretary.

SECTION 1708 LANDOWNER CURATIVE AMENDMENTS

A curative amendment may be filed by a landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or the Zoning District Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest.

1708.1 Procedure

The landowner may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 and 1004 of the Pennsylvania municipalities Planning Code, Act 247, as amended. As with other proposed amendments, the curative amendment shall be referred to the Township Planning Commission and the Washington County Planning Commission at least thirty (30) days before the hearing is conducted by the Board of Supervisors. Public notice shall be given in accordance with Sections 610, 1004 and other applicable provisions of the Pennsylvania Municipalities Planning Code. The hearings shall be conducted in accordance with the provisions of Subsections (4) through (8) of Section 908 of the Pennsylvania Municipalities Planning Code and all references in that Section to the Zoning Hearing Board shall be references to the Board of Supervisors.

1708.2 Evaluation of Merit of Curative Amendment

If the Board of Supervisors determines that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the alleged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

- a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
- b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning District Map;
- c. The suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
- d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

1708.3 Declaration of Invalidity in Court

If the Township does not accept a landowner's curative amendment brought in accordance with this Section and a Court subsequently rules the challenge has merit, the Court's decision shall not result in a declaration of invalidity for this entire Ordinance, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

ORDAINED AND ENACTED THIS 22nd DAY OF DECEMBER, 2005.

TOWNSHIP OF HANOVER

/S/ Herbert Grubbs
Chairman, Board of Supervisors

Douglas R. Bentram

Arthur Caldwell

ATTEST:

Charlotte Gabler
Township Secretary