TRI-COUNTY
REGIONAL PLANNING COMMISSION
MODEL ZONING ORDINANCE

Adopted by the Tri-County Regional Planning Commission (TCRPC) on April 24, 2003

Recommended to the TCRPC by the Cumberland County Planning Commission on April 17, 2003
Recommended to the TCRPC by the Dauphin County Planning Commission on April 7, 2003
Recommended to the TCRPC by the Perry County Planning Commission on April 16, 2003
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Dauphin County Planning Commission
Perry County Planning Commission
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INTRODUCTION

The objective of this Model Zoning Ordinance is to formulate and give official recognition to uniform standards for zoning ordinances throughout the Tri-County Region. Municipal officials, real estate developers, finance institutions and property owners will benefit in this effort to guide orderly community development.

In preparing this Model Zoning Ordinance, the Tri-County Regional Planning Commission has made an attempt to provide proposed standards for zoning districts that may be found in zoning ordinances for the city, boroughs and townships of the Tri-County Region.

The districts suggested generally fall in the categories of Residential, Commercial and Industrial. Because of the extensive open areas of fertile land, mountainous territory and the need for controlling development on certain terrain, Conservation and Agriculture Zoning Districts as well as, Flood Plain, Riparian and Steep Slope Overlay Districts are also included.

Local officials will find this Model Zoning Ordinance most helpful in preparing or amending a zoning ordinance to fit their local community needs. Public officials are cautioned to seek competent legal and planning counsel in the use of this Model Zoning Ordinance. Local officials will also find it necessary to consider the regional and local information resulting from the Tri-County Regional Growth Management Plan, County Comprehensive Plans and local Comprehensive Plans in the preparation/amendment of a municipal zoning ordinance.

In preparing a local zoning ordinance consideration must be given to the suitability of land for development. As an example, the most appropriate use of land subject to flooding or steep slopes may be to prohibit any development so as to ensure the safety and health of citizens who may buy land in areas subject to flooding or other hazardous conditions.

When considering a new zoning ordinance or amendment to an existing one, citizen participation is necessary from the start. This facilitates all parties in understanding the needs and benefits of both individual property owners as well as the municipality as a whole.

Any municipality in the Tri-County Region interested in preparing a new Zoning Ordinance, or amending an existing one, and needs assistance may contact the Tri-County Regional Planning Commission office. The Commission’s staff is available to provide such assistance.

Legal Basis for Zoning

The Pennsylvania Municipalities Planning Code (MPC) is the enabling legislation for local governments to zone and adopt zoning ordinances. According to the MPC, zoning ordinances should reflect the policy goals and community objectives of any adopted municipal Comprehensive Plan, and give consideration to the character of the municipality, the needs of the citizens and the suitabilities and special nature of particular parts of the municipality.

Under the MPC, Zoning Ordinances, are regulated as follows:

Except where in conflict with other regulations, Zoning Ordinances may permit, prohibit, regulate, restrict and determine:

1. Uses of land, watercourses and other bodies of water
2. Size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures
3. Areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures
4. Density of population and intensity of use
5. Protection and preservation of natural and historic resources and prime agricultural land and activities
Zoning Ordinances may contain:

1. Provisions for special exceptions and variances administered by the Zoning Hearing Board in accordance with the MPC
2. Provisions for conditional uses to be allowed or denied by the governing body, pursuant to public notice and hearing and recommendations by the planning agency and pursuant to express standards and criteria set forth in the Zoning Ordinance
3. Provisions for regulating transfer of development rights, on a voluntary basis, including provisions for the protection of persons acquiring the same in accordance with the MPC
4. Provisions for the administration and enforcement of the Zoning Ordinance
5. Such other provisions as may be necessary to implement the purposes of the MPC
6. Provisions to encourage innovation and to promote flexibility, economy and ingenuity in development, including subdivisions and land developments
7. Provisions authorizing increases in the permissible density of population or intensity of a particular use based upon expressed standards and criteria set forth in the Zoning Ordinance
8. Provisions to promote and preserve prime agricultural land, environmentally sensitive areas and areas of historic significance

Zoning Ordinances may include provisions regulating the siting, density and design of residential, commercial, industrial and other developments in order to assure the availability of reliable, safe and adequate water supplies to support the intended land uses within the capacity of available water resources.

Zoning Ordinances may not unduly restrict the display of religious symbols on property being used for religious purposes.

Zoning Ordinances may not unreasonably restrict forestry activities. Forestry activities, including, but not limited to, timber harvesting, shall be a permitted use by right in all zoning districts in every municipality.

Zoning Ordinances shall protect prime agricultural land and may promote the establishment of agricultural security areas.

Zoning Ordinances shall provide protection of natural and historic features and resources.

Zoning Ordinances shall encourage the continuity, development and viability of agricultural operations. Zoning Ordinances may not restrict agricultural operations or changes to or expansions of agricultural operations in geographic areas where agriculture has traditionally been present, unless the agricultural operation will have a direct adverse effect on the public health and safety.

Zoning Ordinances shall provide for the reasonable development of minerals in each municipality.

Zoning Ordinances shall permit no-impact home-based businesses in all residential zones of the municipality as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

Preparation and Enactment of the Zoning Ordinance

The specific procedures for the preparation, enactment and amendment of a Zoning Ordinance are set forth in the Pennsylvania Municipalities Planning Code (MPC). Following these procedures is extremely important since they set precedents to the validity of a Zoning Ordinance. Failure to abide by the MPC requirements could result in a Zoning Ordinance being declared null and void by a court-of-law in any legal challenge to the ordinance.

Purpose of Zoning
The Pennsylvania Municipalities Planning (MPC) sets forth the purpose of a Zoning Ordinance as follows:

1. To promote, protect and facilitate any or all of the following: the public health, safety, morals and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading spaces, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public improvements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

2. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

4. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobile homes and mobile home parks.

5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses.

Preparation and Enactment of Zoning Ordinance

The responsibility for the preparation of a Zoning Ordinance is granted to the planning agency by the MPC. Under instruction from the governing body, (the Board of Supervisors, Borough Council or City Council), the planning agency shall prepare the text and map of the proposed zoning ordinance, and surveys preliminary thereto. The planning agency shall hold at least one public meeting pursuant to public notice. Upon completion of its work, the planning agency shall present to the governing body the proposed Zoning Ordinance, together with recommendations and explanatory materials. Prior to enactment of a Zoning Ordinance, the governing body shall hold a public hearing, pursuant to public notice. If a county planning agency has been created, as in the 3 counties comprising the Tri-County Region, at least 45 days prior to the public hearing the governing body shall submit the Zoning Ordinance to the county planning agency for recommendations.

Procedures vary slightly for amendment to a Zoning Ordinance and are found in the MPC.
ARTICLE 1

AUTHORITY, TITLE, PURPOSE OF ENACTMENT, INTERPRETATION, APPLICABILITY, MUNICIPALITY LIABILITY, DISCLAIMER, SEVERABILITY, & REPEALER

Section 100. Authority. This Ordinance is enacted and ordained under the grant of powers contained in the Pennsylvania Municipalities Planning Code.

Section 101. Title. This Ordinance shall be known as and may be cited as “The Zoning Ordinance of (municipality)”.

Section 102. Purpose of Enactment. This Zoning Ordinance is enacted for the following purposes:

A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, the provision of adequate light and air, and other public requirements.

B. To prevent one or more of the following: overcrowding, blight, loss of health, life or property from fire, flood or other dangers.

C. To adopt a Zoning Map dividing (insert municipality) into zoning districts with varying regulations.

D. To permit, prohibit, regulate and determine the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of buildings and structures, as well as yards and other open areas to be left unoccupied.

E. To establish the maximum density and intensity of uses.

F. To protect prime agricultural land.

G. To provide for the protection of natural and historic features and resources.

H. To encourage the viability of agricultural operations.

I. To protect existing residential neighborhoods.

J. To promote innovative residential design and encourage the creation of a sense of community.

K. To provide diverse housing opportunities, including housing that is affordable.

L. To encourage adaptive reuse and infill development.

M. To provide for the reasonable development of minerals.

N. To act as an overall plan for the orderly growth and development of (insert municipality) and as such seek to implement the (municipality) Comprehensive Plan.

Section 103. Interpretation.

A. In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of (municipality). Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform with all the regulations of the zoning district in which it is located and with all other pertinent regulations of this and other related ordinances. This Ordinance is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements, but if this
Model Zoning Ordinance

Ordinance imposes more stringent restrictions upon the use of buildings, structures and land than are elsewhere established, the provisions of this Ordinance shall prevail. Wherever and whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern. 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 adopted language, in favor of the property owner and against any implied extension of the restriction.

Section 104. Applicability.

A. Any of the following activities or any other activity regulated by this Chapter shall only be carried out in conformity with this Ordinance:

1. Use, occupation, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, placement of extension (vertical or horizontal) of a structure, building or sign, unless relief is granted by the Zoning Hearing Board.

2. Change of the type of use or expansion of the use of a structure, building or area of land.

3. Creation of a lot or alteration of lot lines.


B. This Ordinance shall not apply to an existing or proposed building or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and (insert municipality) have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

Section 105. Municipality Liability.

A. The granting of a Zoning Permit for the erection and/or use of a structure, building or lot shall not constitute a representation, guarantee or warranty of any kind or nature by (municipality), or an official or employee, thereof, of the safety of any structure, building, use or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against such public official or employee for any damage that may be pursuant thereto.

Section 106. Disclaimer.

A. It is recognized that: the Act of June 22, 1937 (P.L. 1987, NO. 394) known as “The Clean Streams Law”; the Act of May 31, 1945 (P.L. 1198, No 418) known as the “Surface Mining Conservation and Reclamation Act”; the Act of April 27, 1966 (1st Special Session, P.L. 31, No. 1) known as “The Bituminous Mine Subsidence and Land Conservation Act”; the Act of September 24, 1968 (P.L. 1040, No. 318) known as the “Coal Refuse Disposal Control Act”; the Act of December 19, 1984 (P.L. 1140, No. 223) known as the “Noncoal Surface Mining Conservation and Reclamation Act”; the Act of June 30, 1981 (P.L. 128, No. 43) known as the “Agricultural Area Security Law”; the Act of June 10, 1982 (P.L. 454, No. 133) entitled “An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances”; and the Act of May 20, 1993 (P.L. 12, No 6) known as the “Nutrient Management Act” preempt zoning ordinances. Therefore, suggestions, recommendations, options or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of those Acts. Nothing contrary to those Acts shall be mandated by this Zoning Ordinance.

Section 107. Severability.
A It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

Section 108. Repealer.

A. The pre-existing (municipality) Zoning Ordinance, as amended, is hereby expressly repealed; provided, further that nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance. All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent herewith by virtue of references or incorporation of requirements contained in the pre-existing Zoning Ordinance as amended shall, as nearly as possible, be construed to reference this Ordinance.

Section 109. Effective Date.

A. This ordinance shall take effect upon its enactment by the (municipality) (governing body).
ARTICLE 2
DEFINITIONS

Section 200. Definition of Terms.

A. The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. The terms “shall and will”, “will” and “must” are always mandatory. The words “should” or “may” are permissive. The word “used” or “occupied” as applied to any land or building shall be construed to include the words, “intended, arranged or designed to be used or occupied”. The word “erected” shall be inclusive of the words “constructed, altered or moved.”

ABANDONMENT: The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property of another owner nor of resuming the use of the property.

ABUT or ABUTTING: A building(s) which physically touch. Areas of contiguous lots that share a common lot line, not including lots entirely separated by a street, public alley open to traffic or a perennial waterway.

ACCESS DRIVE: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY BUILDING: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

ACCESSORY DAYCARE: A subordinate building or a portion of the main building on a lot which serves primarily as a group day-care facility, as defined herein, and is accessory to a house of worship, a place of employment or a public or nonpublic school. A state-licensed and/or registered facility in which care is provided or is intended to be provided for six or more children and/or four or more adults in accordance with the definition of “group day-care home” or “older adult daily living center” herein.

ACCESSORY STRUCTURE: A structure subordinate to and detached from the main building on the same lot, the use of which is customarily incidental to that of the principal structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or the main building and located on the same lot with such principal use or main building.

ACRE: A measure of land area containing 43,560 square feet.

ACTIVITY: The use of land for a specific purpose.

ADAPTIVE REUSE: The development of a new use for an older building or for a building originally designed for a special or specific purpose.

ADDITION: Any construction which increases the size of a building, such as a porch, attached garage or carport, or a new room or wing.

ADJOINING LOT OR LAND: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. (See Abut)

ADULT BOOK STORE: Establishment which offers for sale, for rent, for lease, for review on the premises or for loan, pictures, photographs, drawings, sculptures, motion-picture film, or similar visual representation of sexual
conduct or sexual excitement, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts of sexual conduct or sexual excitement, or which offers for sale devices, equipment, stimulants or other materials for use in sexual conduct or sexual excitement.

ADULT CABARET: An establishment, club restaurant, theater or hall which features topless dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas (see definition) or specified sexual activities (see definition) for observation by patrons therein.

ADULT DAYCARE CENTER: A use providing supervised care and assistance primarily to persons who are over age 60 and/or mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer’s disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

ADULT MOVIE THEATER: A use involving the presentation to 3 or more persons at one time in a room of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of “specified sexual activities” for observation by such persons and that is related to some form of monetary compensation paid by the persons viewing such matter.

AESTHETIC: The perception of artistic elements, or elements in the natural or man-made environment which are pleasing to the eye.

AGRICULTURE: The use of land which shall include, but not be limited to, the tilling of the soil, the raising of crops, horticulture, apiculture, floriculture, viticulture and gardening. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products: livestock, including beef cattle, sheep, swine horses ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals: bees and apiary products; fur animals; trees and forest products: fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. (See Horticulture)

AGRICULTURE, INTENSIVE (INTENSIVE AGRICULTURAL USE): Intensive agricultural uses include but are not limited to: (a) slaughter areas; (b) areas for processing of manure; (c) concentrated animal feeding operations, as defined herein.

1. Confined livestock operations or concentrated animal feeding operations (CAFO) Federal regulations define a CAFO as an animal feeding operation that: (a) confines more than 1,000 animal units (AU); or (b) confines between 301 to 1,000 AU and discharges pollutants into waters of the United States through a man-made ditch, flushing system or similar man-made device, or directly into waters of the United States that originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation. Animal quantities equivalent to 1,000 AU are 1,000 slaughter and feeder cattle; 700 mature dairy cattle; 2,500 swine each weighing more than 25 kilograms (55 pounds); 30,000 laying hens or broilers (if a facility uses a liquid manure system); and 100,000 laying hens or broilers (if a facility uses continuous overflow watering).

AGRICULTURAL MARKET: Any fixed or mobile retail food establishment which is engaged primarily in the sale of raw agricultural products, but may include as accessory to the principal use, the sale of factory-sealed or prepackaged food products that normally do not require refrigeration. (See Farm Stand)

AGRICULTURAL OPERATION: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.
AIR RIGHTS: The right to use space above ground level.

AIR TRANSPORTATION: Establishments engaged in domestic and foreign transportation by air including airports, flying fields, as well as terminal services.

AIRPORT: A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair and various accommodations for passengers.

 AISLE: The traveled way by which cars enter and depart parking spaces.

ALLEY: A public or private right-of-way other than a side street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

AMENDMENT: A change in use in any district or change in zoning district, which includes revisions to the zoning text and/or the official zoning map.

AMORTIZATION: A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

AMUSEMENT ARCADE: An establishment which has as its principal business offering to patrons mechanical or electrical amusement devices or games such as pinball machines, ping pong, darts, shooting galleries or similar devices and games.

AMUSEMENT FACILITY: An outdoor area or structure, open to the public, which contains coin operated games, and similar entertainment and amusement devices.

AMUSEMENT PARK: An outdoor facility, which may include structures and buildings, where there are various devices for entertainment including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

ANIMAL FEEDING OPERATION (AFO): Federal regulations define an AFO as a facility where animals have been, are/or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve-month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

ANIMAL HOSPITAL: A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

ANIMAL HUSBANDRY: The care, raising, and keeping of livestock (animals such as cattle, sheep and swine) and poultry with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products, provided that the keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this chapter shall not be construed as animal husbandry.

ANIMAL WASTE (MANURE) STORAGE FACILITIES: A detached structure or other improvement built to store manure for future use or disposal. Types of storage facilities are as follows: underground storage, in-ground storage, trench silo, earthen bank, stacking area, and above ground storage.

ANTENNA STANDARD: A device, partially or wholly exterior to a building, that is used for receiving electronic signals (other than a satellite dish antenna which is treated separately) or for transmitting short-wave or citizens band radio frequencies. This shall include antennae used by an amateur ham radio operator or by a contracting business.
or utility to communicate with its employees, but shall not include a “Commercial Communications Antenna.” This term includes any accessory supporting structures.

ANTENNA HEIGHT: The measurement of the overall vertical length of antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured and shall include the height of the building upon which the antenna and its structure is situated.

ANTENNA SUPPORT STRUCTURES: Any structure, mast, pole, tripod or tower, including any guy wires and braces utilized for the purpose of supporting an antenna or antennas.

APARTMENT: A structure containing three or more dwelling units, excluding townhouses.

APARTMENT, CONVERSION: A multi-family dwelling constructed by converting an existing dwelling into apartments for three (3) or more families without substantially altering the exterior of the building.

APPLICANT: A landowner or developer (as herein defined) who has filed an application for development including his personal representatives, heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit or for the approval of a subdivision plat or plan or for approval of a land development plan.

ARCADE: A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.

AREA, BUFFER: A strip of land which is planted and maintained in shrub, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

AREA, BUILDING: The total of area, in square feet, of all floors, excluding basement, of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

AREA, GROSS: The total lot area, including public right-of-way.

AREA, LOT: The area contained with the property lines of a lot as shown on a subdivision plan, including the area of any easement.

AREA, NET: The total lot area, less public right-of-way.

ASSISTED LIVING FACILITY: Coordinated and centrally managed housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

ATTIC: That part of a building which is wholly or partly within the roof framing.

AUTHORITY: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 162), as amended, known as the “Municipalities Authorities Act of 1945”.

AUTO BODY SHOP: Any structure or any building or part thereof, that is used for the repair or painting of bodies, chasses, wheels, fenders, bumpers, and/or accessories of automobiles and other vehicles for conveyance.

AUTOMATIC CAR WASH: A structure containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

Definitions
AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOME SALES: An area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard.

AUTOMOBILE REPAIR GARAGE: An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of “automobile service station”. An automobile repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding or transmissions. Any use permitted as part of an “automobile service station” is also permitted as part of an “automobile repair garage”.

AUTOMOBILE SERVICE STATION: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

AUTOMOBILE WRECKING: The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles of their parts.

AUTOMOBILE WRECKING YARD: An establishment that cuts up, compresses, or otherwise disposes of motor vehicles. (See Junkyard)

AWNING: A roof-like cover that is temporary or permanent in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and can be periodically retracted onto the face of a building.

BAR: Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

BASE FLOOD ELEVATION: The elevation above sea level, based on the vertical datum in the current flood Insurance Rate Maps for (municipality) of the 100-year flood.

BASEMENT: A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet.

BED AND BREAKFAST HOME: An owner-occupied residence where not more than five guest rooms are rented to not more than 10 overnight guests on a daily basis for periods not exceeding one week.

BED AND BREAKFAST INN: An owner-occupied residence where not more than 10 guest rooms are rented to not more than 20 overnight guests on a daily basis for periods not exceeding one week.

BERM: A mound of soil, either natural or man-made, used to obstruct views.

BEST MANAGEMENT PRACTICE: State-of-the-art technology as applied to a specific problem. The BMP presents physical, institutional, or strategic approaches to environmental problems, particularly with respect to nonpoint source pollution control.

BILLBOARD: See “signs”.

BLOCK: An area bounded by streets, railroad rights-of-way, waterways and other definite barriers.

BOARDING HOUSE (INCLUDING “ROOMING HOUSE”): A residential use in which: (a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit includes greater than the
permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a motel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

BOARDING STABLE: A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises, and for which the owner of the premises receives compensation.

BUFFER AREA: See AREA, BUFFER.

BUFFER YARD: An open area whose dimensions normally exceed the normal building setback or yard requirements used to protect low-density uses and zoning districts from adjacent higher-density uses and districts.

BUILDABLE AREA: The area of lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

BUILDING COVERAGE: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total gross lot area.

BUILDING, DETACHED: A building surrounded by open space on the same lot.

BUILDING HEIGHT: The vertical distance from the average finished grade, in front of the building where the address is taken, to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. (BOCA National Building Code, slightly modified)

BUILDING INSPECTOR: An individual designated by the appointing authority to enforce the provisions of the building code. Includes code enforcement officer or zoning officer.

BUILDING LINE: A line parallel to the front side or rear lot line set so as to provide the required yard.

BUILDING SETBACK LINE: The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

BUILDING, NON-CONFORMING: See Non-Conforming Structure or Building.

BUILDING, PRINCIPAL: A building in which is conducted the primary use of the lot on which it is located, and which is not an accessory building.

BUILDING PERMIT: Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

BULK RECYCLING CENTER: A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a “junkyard.”

BUSINESS SERVICES: Those activities limited to the service and repair of furniture, office equipment, medical supplies and equipment and commercial appliances; the supply and servicing of vending machines; frozen food lockers; the painting and assembly of signs; printing, copy and photocopying services; arts, crafts, drafting and
stationary supplies; food catering; interior decorating; taxidermy; upholstering and personal dry cleaning services. Uses which shall not be interpreted to be business service establishments are retail shops and stores; gasoline and motor vehicle stations; vehicular sales, service and repair; mortuaries; warehouses and distribution facilities; and contractor’s offices.

CALIPER, TREE: The diameter of a tree trunk measured in inches six inches above ground level for trees up to four inches in diameter and 12 inches above ground level for trees over four inches in diameter.

CAMPER: Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

CAMP OR CAMPGROUND: A state-permitted facility, through the Pennsylvania Department of Health, in which a portion of land is used for the purpose of providing a space for trailers or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28, Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults with social, recreational, and educational objectives and operated and used for five or more consecutive days during one or more seasons a year.

CAMP SITE: Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

CAMPING UNIT: Any tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground as a temporary living quarters for recreation, education, or vacation purposes.

CANOPY: See Awning.

CARPORT: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides, and accessory to a main or accessory building.

CARTWAY: That portion of a street or alley which is improved, designed, or intended for vehicular use.

CAR WASH: A building on a lot designed and used primarily for the washing and polishing of automobiles and which may provide accessory services.

CELLAR: A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and a half feet.

CEMETERY: A parcel of land used as a burial ground for human or animal remains.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the approving authority upon approval of the exterior architectural features of any new building construction or alterations to an existing building located within a historic zone district.

CERTIFICATE OF USE AND OCCUPANCY: The certificate issued by a duly authorized Township officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

CHANGE OF USE: Any use that substantially differs from the previous use of a building or land.

CHILD CARE CENTER: An establishment providing for the care, supervision, and protection of children.

CHIMNEY: A structure containing one or more flues for drawing off emissions from stationary sources of combustion.
Definitions

CHRISTMAS TREE FARM OR TREE FARM: A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale from November 15 to December 30 of trees that were produced on the premises.

CHURCH: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

CLEAR-SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines. Within this clear-sight triangle nothing is to be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

CLINIC: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

CLUB, CLUBHOUSE OR LODGE, PRIVATE: A building, structure, or part thereof, used to house an organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership or fundraising of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. This definition does not include “night clubs.” The private clubs or lodges, as defined, shall not be an adjunct to, operated by or in connection with a tavern, café or other public place.

CLUSTER SUBDIVISION: A form of development that permits a reduction in lot area and bulk requirements, provided that unless otherwise authorized, there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active or passive recreation, preservation of environmentally sensitive areas, or agriculture.

COLLEGE OR UNIVERSITY: See “school, college”.

COMMERCIAL GREENHOUSE: A structure in which plants, vegetables, flowers, and similar materials are grown for sale.

COMMERCIAL VEHICLE: Any motor vehicle licensed by the state as a commercial vehicle.

COMMON AREA: The area in a subdivision or planned residential development, including common open space, owned or leased and maintained by an association or other combination of persons for the benefit of the residents of the residential development and, if owned under the Pennsylvania Unit Property Act, including all common elements designated for the use of all dwelling unit owners.
COMMON ELEMENTS: Means and includes:

1. The land on which a building is located and portions of the building which are not included in a unit;
2. The foundations, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways and entrances and exits of a building;
3. The yards, parking area and driveways;
4. Portions of land and building used exclusively for the management, operation or maintenance of the common elements;
5. Installations of all central services and utilities;
6. All other elements of a building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and
7. Such other facilities as are designated as “common elements”.

COMMON FACILITIES: When referring to a development, these facilities are common or community open space, recreational facilities, community sewage facilities, community water supply facilities, stormwater management facilities, common parking areas and driveways, preservation areas, private streets, or other community facilities.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of the development plan and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements as approved in the development plan that are appropriate to recreational and other open space areas of any schools or churches to be included within the proposed development.

COMMUNITY CENTER: A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a “treatment center”.

COMMUNICATIONS ANTENNA: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING: An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS FACILITIES (NON-PUBLIC REGULATED): Including telephone or telegraph exchanges, communications antenna, which are not regulated by the Pennsylvania Utilities Commission. (PUC)

COMMUNICATIONS FACILITIES (PUBLICLY REGULATED): Including telephone or telegraph exchanges, communications antenna, which are regulated by the Pennsylvania Utilities Commission (PUC)

COMMUNICATIONS TOWER: A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antenna.

COMMUNICATIONS TRANSMITTING AND RECEIVING FACILITY: A communications tower or other facility which transmits or receives a radio, television or other communications signal.

COMMUNITY SEWAGE SYSTEM: Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots and the treatment and/or disposal of the sewage
or industrial waste on one or more of the lots or at any other site, and which shall comply with all applicable regulations of the Pennsylvania Department of Environmental Protection.

COMMUNITY WATER SUPPLY SYSTEM: A public or private utility system designated to transmit potable water from a common source to multiple users. Such systems shall be in compliance with the regulations of the Pennsylvania Department of Environmental Protection, the Public Utilities Commission (PUC) or the Township, whichever is more stringent.

COMPREHENSIVE PLAN: The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.O. 805, No. 247, as amended and reenacted, consisting of maps, charts and textual material, that constitutes decisions about the physical and social development of a Borough, City, or Township, as amended from time to time.

COMPOSTING: The mixing of decomposing refuse matter for the purpose of creating fertilizer material.

CONDITIONAL USE: A use permitted (and approved by the governing body) in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance.

CONDOMINIUM: A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a shared interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

CONDOMINIUM ASSOCIATION: The community association that owns, administers and maintains the common property and common elements of a condominium.

CONSERVATION DISTRICT: A geographic area, usually a county, in which professionals provide advice to communities, agencies, and individuals within the jurisdiction and review development proposals.

CONSERVATION AREA: Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, dunes, or areas of significant biological productivity of uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

CONTIGUOUS: Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminal. To physically touch or border upon, or to share a common property line, but not overlap.

CONTINUING CARE RETIREMENT COMMUNITY: An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee.

CONTRACTOR’S YARD: A tract of land where a dealer stores new and/or used material, machinery, equipment and other supplies for use by builders, developers, erectors, excavators and other artisans. Such material, machinery, equipment and other supplies may be made available for wholesale or retail purposes or rental programs.

CONVENIENCE STORE: A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant. A convenience store involving the sale of gasoline shall be regulated as an “auto service station.”

CUL-DE-SAC: A street intersecting another street at one end terminating at the other in a vehicular turn around.

CURB: A stone, concrete, or other improved boundary usually marking the edge of the roadway or paved area.
CURB CUT: The opening along the curb line at which point vehicles may enter or leave the roadway.

DAIRY: A commercial establishment for the manufacture or processing of dairy products.

DAY CARE, CHILD: A use involving the supervised care of children under age 16 outside of the children’s own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including a “nursery school” or “Head Start” programs.

DECIDUOUS: Plants that drop their leaves before becoming dormant in winter.

DEED RESTRICTION: A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction usually runs with the land and is binding upon subsequent owners of the property. The governing body is not responsible for enforcing a deed restriction, unless the restriction resulted from a condition or stipulation of the subdivision or land development approval process.

DENSITY: The number of families, individuals, dwelling units, or housing structures per gross acre of land.

DEP: Pennsylvania Department of Environmental Protection.

DEVELOPER: Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT: Any man made change to improved or unimproved real estate, including, but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DEVELOPMENT PLAN: The provisions for a planned development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open-space and public facilities.

DISTRIBUTION CENTER: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transhipment by boat, rail, air, or motor vehicle.

DISTRICT: A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

DISTRICT, ZONE: A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Zoning Map.

DOG KENNEL: A structure where three (3) or more dogs that are more than six (6) months old are kept.

DORMER: A projection from a sloping roof which contains a window.

DORMITORY: A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar institutional use.

DRIVE-IN ESTABLISHMENT: Any commercial business, including an eating establishment, offering refreshments, entertainment or services to patrons, who purchase and/or consume such refreshments, entertainment or services on the premises and/or outside of the building, including patrons who may be served in their automobiles.

DRIVE WAY: A private access for vehicles to park in a parking space, garage, dwelling or other structure.
Model Zoning Ordinance

DUMP: A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

DUPLEX: See Dwelling, Single Family, Semi-Detached.

DWELLING, MULTI-FAMILY: A building designed, occupied or used by three or more families living independently of each other, wherein each dwelling unit or apartment shall contain private bath and kitchen facilities; including apartment houses.

DWELLING, MANUFACTURED HOUSING: Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation of assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

DWELLING, SINGLE FAMILY ATTACHED: A building used by one family and having two (2) party walls in common with other buildings (such as row house or town house), except that end units have only one party wall.

DWELLING, SINGLE FAMILY, DETACHED: A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

DWELLING, SINGLE FAMILY, SEMI-DETACHED: A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building. (Duplex)

DWELLING, TWO FAMILY, DETACHED: A building used by two (2) families, with one dwelling unit arranged over the other and having two (2) side yards.

DWELLING, UNIT: One or more rooms used for living and sleeping purposes and having a kitchen(s) with fixed cooking facilities, toilet and bathroom facilities and arranged for occupancy by not more than one family.

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.
Definitions

EASEMENT, CONSERVATION: A legal agreement granted by a property owner that limits the types, locations and amounts of development that may take place on the owner’s property. Such easement may restrict the original and all subsequent property owners, lessees and all other users of the land.

EASEMENT, DRAINAGE: An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

EASEMENT, UTILITY: A right-of-way granted for limited use of land for public or quasi-public purpose.

ECHO HOUSING (Elder Cottage Housing Opportunities): Also known as “granny flat” or elder cottage housing. It permits a family member, related by blood, marriage or adoption, to live independently but close to relatives on the same lot. The housing consist of one bedroom, a bathroom, living room and kitchen and is connected to the utility system of the main dwelling unit.

ELECTRIC SUBSTATION: An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES: Public utilities transmission distribution facilities including substations.

EMERGENCY MEDICAL TREATMENT FACILITY: Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing emergency health service to people on an outpatient basis.

EMPLOYEES: The highest number of workers (including both part-time and full-time) both compensated and volunteer and both employees and contractors present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

ENGINEER, MUNICIPAL: A registered professional engineer in Pennsylvania designated by the municipality to perform the duties of engineer as herein specified.

ENLARGEMENT: An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

ENVIRONMENTAL CONSTRAINTS: Features, natural resources or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

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

EXCAVATION: Any act by which earth, sand, gravel, rock or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

EXISTING USE: An activity or use of land occurring on a lot or parcel as of the effective date of this Ordinance.

FACADE: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY: One or more persons related by blood, marriage, legal guardianship, licensed or court-appointed foster care or legal adoption, including any domestic servants or gratuitous guests thereof, who maintain one common household and reside in one dwelling unit; or no more than four persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption. A roomer, boarder or lodger is not considered a family member; any number of persons possessing a handicap within the meaning of the Fair
Housing Act (42 USC Section 3602(h), or successor legislation) who reside in one dwelling unit and live and cook together as a single housekeeping unit.

FAMILY CARE FACILITY: A dwelling inhabited by a group of people who are not handicapped, without regard for age, with or without specialized needs, who are unrelated or related by legal marriage, birth or adoption, and who are not afforded protection by the Fair Housing Act. This group of people typically requires extended periods of or twenty-four-hour adult supervision and guidance by persons who may be, but are typically not, legal custodians. This definition does not include persons occupying a hotel, dormitory, lodge or boarding home.

FENCE: Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line. For the purpose of this ordinance a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this ordinance when the term “lot line” is used in relation to fences it shall be synonymous with “rear yard lot lines”, “side yard lot lines”, “front yard lot lines.”

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting there from. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

FINANCIAL INSTITUTION: An establishment primarily involved with monetary, not material, transactions and that has routine interactions with the public.

FINISHED GRADE: The elevation of the land surface of a site after completion of all site preparation work.

FLOOD: A temporary inundation of normally dry land.

FLOOD, ONE-HUNDRED-YEAR (BASE FLOOD): A flood, which is likely to be equaled or exceeded once every 100 years (i.e. that has a 1% chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture’s Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define this flood.

FLOOD, FIVE-HUNDRED-YEAR: A flood which is likely to be equaled or exceeded once every 500 years (i.e. that has a 1/5 of 1% chance of being equaled or exceeded in any given year. A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture’s Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define this flood.

FLOOD BOUNDARY, ONE-HUNDRED-YEAR: The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture’s Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define its boundary.

FLOOD BOUNDARY, FIVE-HUNDRED-YEAR: The outer boundary of an area of land that is likely to be flooded once every 500 years (i.e., that has 1/5 of 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture’s Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this boundary.
FLOOD HAZARD BOUNDARY MAP: An official floodplain map issued by the Federal Insurance Administration.

FLOODPLAIN: A floodplain may be either or a combination of: (a) a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, during a one-hundred-year-design-frequency storm; or (b) any area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

FLOODPLAIN DISTRICT: The zoning district that regulates the channel and the relatively flat area adjoining the channel of a natural stream or river that has been of may be covered by floodwater.

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. With regard to nonresidential structures, the term “floodproofing” shall also mean that the structure, together with attendant utility and sanitary facilities, be designed so that any space below the regulatory flood elevation is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydromatic loads and effects of buoyancy.

FLOODWAY: The areas identified as floodway in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in the other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

FLOODWAY FRINGE: Those portions of land within the Floodplain District subject to inundations by the one-hundred flood, beyond the floodway in areas where detailed study and profiles are available.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA, NET: The total of all floor areas of a building, excluding stair-wells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FLOOR AREA, HABITABLE: The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

FLOOR AREA RETAIL, NET: All that space relegated to use by the customer and the retail employee to consummate retail sales; and to include display area used to indicate the variety of goods available for the customer: but not to include office space, storage space and other general administrative areas.

FLORIST: One who sells or grows for sale flowers and ornamental plants.

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

GARAGE, PRIVATE: An accessory enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation, or service is conducted for profit therein nor space therein.

GARAGE, PUBLIC: Any garage other than a private garage, and which is used for parking or storage of motor vehicles.

GASOLINE SERVICE STATION: See “Automobile Service Station”.
GOLF COURSE: Any regulation 18-hole, 9-hole or executive (par 3) golf course, including any driving ranges, chip-n-putt, nine-hole, or miniature golf courses.

GREENWAY – A greenway may be any one or combination of the following: (1) a linear open space established along either a natural corridor, such as a riverfront, stream valley or ridgeline, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) a natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features or historic sites with each other and with populated areas; and (4) strip or linear parks designated as a parkway or greenbelt.

GROSS BUILDING AREA: The total area of a building available for construction or use, as measured from the exterior walls or the building. Gross building area should be used in computing all square footage measurements for buildings as well as dimension requirements.

GROUP CARE FACILITY: A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine but fewer than 15 residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimum level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP HOME: A dwelling inhabited by handicapped persons, as identified and provided for by the Fair Housing Act and this chapter. This definition does not include persons occupying a hotel, dormitory, lodge, halfway house, boardinghouse or institution. A group home involves persons functioning as a common household unit, providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution because of physical disability, old age, or mental retardation/developmental disability, or that the applicant proves to the satisfaction of the Zoning Officer meets the definition of “handicap”, as defined by applicable federal law. (NOTE: The Federal Fair Housing Act amendments define “handicap” as follows: “(1) a physical or mental impairment which substantially limits one or more of such person’s major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21.” This definition was subsequently adjusted by Section 512 of the Americans with Disabilities Act to address certain situations related to substance abuse treatment.)

GROUP QUARTERS: Any dwelling or portion thereof which is designed or used for persons unrelated to each other occupying the dwelling unit and having common eating facilities. Group quarters include, but are not limited to, boarding- or lodging houses, fraternity and sorority houses, theme houses and other quarters of an institutional nature. Group quarters owned and operated by a parent religious, educational, charitable or philanthropic institution. Group quarters shall exclude hotels, motels, dormitories, emergency shelters, student housing, nursing facilities and personal care facilities. In zoning districts where group quarters are permitted, other than institutional, group quarters shall be limited to no more than 10 persons.

HALFWAY HOUSE: A noninstitutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances and community living.

HAZARDOUS MATERIAL: Materials which are classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or (municipality) as having the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable...
materials with the potential to cause physical damage, such as logs, storage tanks and large containers, located in flood prone areas.

HAZARDOUS WASTE: Any substance classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection or the Township as having the potential to damage health or impair safety, including garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or any combination of the above, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

(1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,
(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(NOTE: “Hazardous Waste” shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended).

HAZARDOUS WASTE FACILITY: Any structure, group of structures, above ground or under ground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

HEALTH CARE FACILITY: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, or outpatient clinic.

HEIGHT: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

HEIGHT OF COMMUNICATION TOWER: The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

HELIPORT: An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

HELISTOP: A heliport but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

HISTORIC AREA: A district or zone designated by a local authority or state or federal government within which the buildings, structures, appurtenance, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area the design or general arrangement if which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

HOME OCCUPATION: Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident’s dwelling unit. Also see No-Impact Home Based Business.

HOMEOWNERS ASSOCIATION: A community association which is organized in a development in which individual owners share common interests in open space or facilities.
HOSPITAL: A building or part thereof used for medical, psychiatric, obstetrical, or surgical care on a twenty-four-hour basis. The term “hospital” shall include facilities used for medical research and training for health-care professions, general hospitals, mental hospitals, tuberculosis hospitals, children’s hospitals, and any such other facilities which provide inpatient care. The term “hospital” shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

HOTEL: A building designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals. A conference/convention center may be part of the hotel.

HOUSEHOLD: Persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

IMPOUNDMENT: A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

IMPROVEMENTS: Those physical additions, installations and changes required to render land suitable for the use intended, including, but not limited to, grading, paving, curbing, streetlights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street shade trees, and improvements to existing water courses.

IMPEVIOUS MATERIAL (SURFACE): Any substance placed on a lot which covers the surface in such a fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to consist of impervious material: buildings, sidewalks, driveways, parking lots, swimming pools and ground surfaces.

INCINERATOR: An approved device in which combustible material, other than garbage, is burned to ashes.

INDOOR RECREATION: A type of “recreation” use that (a) does not meet the definition of Outdoor Recreation, and (b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses.

INDUSTRIAL PARK: A tract of land laid out in accordance with an overall plan for a group or community of industries, including the servicing of those industries, with separate building designed and arranged to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks and use requirements.

INDUSTRY: The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.

INOPERABLE MOTOR VEHICLE: A vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection, or any vehicle in a major or severe state of disrepair.

INSTITUTIONAL FACILITY: A public or private benevolent establishment devoted to the shelter, maintenance or education and care of minor children, homeless, aged or infirm persons, or members of a religious community. This classification shall not include almshouses, penal or reformatory institutions, nursing homes, hospitals or institutions for the custody, care or treatment of persons suffering from dementia, mental derangement or drug or alcoholic addition.

JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

JUNK YARD: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

JUNK VEHICLE: Includes any vehicle or trailer that meets any of the following conditions:
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(1) Cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
(2) Cannot be towed, in regards to a trailer designed to be towed,
(3) Has been separated from its axles, engine, body or chassis, and/or
(4) Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

KENNEL: A state-licensed facility through the Department of Agriculture, containing indoor and outdoor housing facilities for the sheltering of four or more canines in accordance with the Pennsylvania Code, Title 7, Chapter 21, as amended or revised.

LAND DEVELOPMENT:

(1) The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving,
   (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure, or;
   (b) The division or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominums, building groups or other features;
(2) A subdivision of land.
(3) The following are exempted from the definition of Land Development:
   (a) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than 3 residential units, unless such units are intended to be a condominium;
   (b) The addition of an accessory building, including a farm building, on a lot or lots subordinate to an existing principal building; or
   (c) The addition or conversion of a building for rides within the confines of an enterprise, which would be considered an amusement park. For the purpose of this subsection, an amusement park is defined as a tract or area used principally as a location for a permanent amusement structures or rides. This exclusion shall not comply to newly acquired acreage by an amusement park until initial land for the expanded area have been approved by the proper authorities.

LAND FILL: A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan. (See Sanitary Landfill)

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 conditions), 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.

LANDSCAPE PLAN: A component of a development plan, if required, on which is shown proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features, grade changes, buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the (governing body).
LAUNDERETTE: A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LAUNDRY AND DRY CLEANING ESTABLISHMENT: A business premises equipped with large-scale clothes-washing and dry cleaning equipment.

LAUNDRY AND DRY CLEANING ESTABLISHMENT (PERSONAL): A business premises equipped with individual clothes-washing equipment for the use of retail customers or the drop off and pick up of clothing for dry cleaning by retail customers.

LEASE: A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

LIBRARY: A place in which literary, musical, artistic or reference material (such as books, manuscripts, recordings or films) are kept for use but not for sale.

LIGHTING:

(1) Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade.
(2) Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
(3) Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LIVESTOCK: Any wild or domestic animal of the bovine, swine or sheep family.

LIVESTOCK (AND POULTRY), RAISING OF: The raising and keeping of livestock, horses, poultry or insects beyond what is allowed under the “Keeping of Pets” and the definition of “kennel”. Raising of livestock shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

LOADING SPACE: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts in or has access to a street.

LONG TERM CARE NURSING FACILITY: A facility defined and licensed by the Commonwealth of Pennsylvania Department of Health in accordance with Title 28 of the Pennsylvania Code, Chapter 201. The facility provides skilled or intermediate nursing care services 24 hours a day and seven days a week to individuals who do not require more intensive hospital-based care.

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

(1) Lot area: The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street right-of-way, but including the area of any easement.
(2) Lot, corner: A lot at the junction of and abutting on two or more intersecting streets or private roads.
(3) Lot, flag: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.
(4) Lot interior: A lot other than a corner lot.
(5) Lot, minimum width: The horizontal distance between the side lines of a lot measured at the front lot line.
(6) **Lot, nonconforming**: The area or dimension of which was lawful prior to the adoption or amendment of a zoning 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.

(7) **Lot, Reverse Frontage (Double Frontage, Through)**: A through lot that is not accessible from one of the parallel or non-intersecting streets upon which it fronts. In the case of a lot fronting on streets of different classifications, access to the lot shall be from the lower classified roadway.

**LOT, DEPTH**: The horizontal distance measured between the street right-of-way and the closest rear property line on a corner and reverse frontage lot, the depth shall be measured from the street right-of-way line of the street address to the directly opposite property line.

**LOT FRONTAGE**: The length of the front lot line measured at the street right-of-way.

**LOT, IMPERVIOUS COVERAGE**: A lot which has a surface of any material that prevents the absorption of stormwater into the ground. The total of impervious area includes the building area, inclusive of rooftop, lot, sidewalks and access drive divided by lot total net area.

**LOT LINE, FRONT**: The lot line separating a lot from a street right-of-way. In the case of corner lot abutting a street right-of-way on more than one side there shall be two front lot lines, one side line and 1 rear line.

**LOT LINE, REAR**: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. A corner lot shall have 2 front lot lines and 2 side lot lines.

**LOT LINE, SIDE**: Any lot line other than a front or rear lot line. A corner lot shall have 2 front lot lines and 2 side lot lines.

**LOT, MOBILEHOME**: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

**LOT OF RECORD**: A lot that exists as shown or described on a plat or deed in the records of the _____ County Recorder of Deeds.

**MANUFACTURING**: The processing and/or converting of raw unfinished or finished materials, or products, or any, or either of them, into an article or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

**MANUFACTURED HOME**: Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C.Sec. 5401) commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

**MANUFACTURED HOME LOT**: A parcel of land in a manufactured home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home. (See also “Mobile Home Lot”)

**MANURE**: The fecal and/or urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

**MARQUEE**: Any hood, canopy, awning or permanent construction that projects from a wall of a building, usually above an entrance.

**MASSAGE THERAPY**: An establishment whose business emphasis is the administration of nonsexually-oriented massage to patrons by employees.

**MEAN**: The average of a series of figures computed by adding up all the figures and dividing by the number of figures.
MEMBERSHIP CLUB: An area of land or building used by a recreational, civic, social, fraternal, religious, political, or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, but not including members of the general public. These uses are restricted to those not conducted primarily for gain, although a restaurant may be operated primarily to serve members and their guests. This use shall not include boardinghouse, a tavern, restaurant open to the general public, or an auditorium, unless that particular use is permitted in that district and the applicable requirements of that use are met.

MINI STORAGE WAREHOUSES: A facility providing for the enclosed storage of household items or recreational equipment, where said items are retained for direct use by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility.

MINING: The extraction of minerals including: solids, such as coal and ores: liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation milling, such as crushing, screening, washing and floatation; and other preparation customarily done at the mine site or as part of a mining activity.

MIXED OCCUPANCY: Occupancy of a building or land for more than one use.

MIXED-USE DEVELOPMENT: The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one 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 assembly 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 connection 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 designed and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

MOBILE HOME SALES LOT: An open lot for the outdoor display of new or used mobile homes.

MOBILE HOME STAND OR PAD: That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

MODULAR HOME: A type of dwelling that is in a substantial part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one substantial piece prior to delivery on the site.

MORTUARY OR UNDERTAKING FACILITY: A place in which human remains are prepared and stored prior to burial.

MOTEL: A building or group of buildings whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances, and designed for temporary occupancy by primarily transient automobile travelers and providing for accessory off-street parking facilities.

MOTOR FREIGHT TERMINAL: A terminal that is primarily centered around the storage and distribution of motor freight.
NATURAL FEATURE: A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wild like, human recreation, reduction of climatic stress or energy costs. Such features include those which, if disturbed, may cause hazards or stress or energy costs.

NATURAL RESOURCES INVENTORY (NRI): A survey of existing natural elements relating to land, water, air, plant, and animal life of an area or a community and the interrelationship of these elements. The NRI usually includes data on soils, geology, topography (including watershed and flood areas), and vegetation.

NEWSPAPER AND PRINTING ESTABLISHMENTS: Any establishment that is engaged in the printing of newspaper or similar material on a regular basis.

NEW USE: Any new activity or use of land in a lot or parcel that was not occurring as of the effective date of this ordinance.

NIGHTCLUB: Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment can be offered. For the purposes of this definition, “live entertainment” is meant to include the use of disc jockeys for the purposes of supplying musical entertainment. Nightclubs can offer the retail sale of carry-out beer consumption of food. Additionally, nightclubs can offer the retail sale of carry-out beer and wine as an accessory use. Nightclub includes an “Under 21” club which features entertainment.

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. [Also see Home Occupation]

NONCONFORMING BUILDING: See Non-Conforming Structure or Building.

NONCONFORMING LOT: See Lot, Nonconforming.

NONCONFORMING SIGN: Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING STRUCTURE OR BUILDING: A structure of building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING USE: A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NURSERY, HORTICULTURE: Any lot or parcel of land used to cultivate, propagate, grow and/or sell trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

NURSING OR CONVALESCENT HOME: A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons.

OFFICE: A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall not include retail or industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

OFF-STREET PARKING: A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedication right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.
OPEN PIT MINING: Open pit mining shall include all activity which removes from the surface or beneath the surface, of the land some material mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedication, designed, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

OPEN SPACE, COMMON: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designated and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

OPEN SPACE, PRIVATE: Open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

OPEN SPACE, PUBLIC: Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

OUTDOOR LIGHTING: An illumination source outside any building, including but not limited to an incandescent bulb, mercury, sodium or neon-filled bulb, and the hardware containing the illumination source and supporting it. Lighting fixtures underneath a roof of an open-sided building, including but not limited to storage sheds, canopies and gas station marquees over gas pumps, are deemed to be “outdoor lighting.”

OUTDOOR RECREATION: A type of “recreation” use that is used principally for active and passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses.

OUTDOOR STORAGE: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

OVERLAY ZONE: A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

OWNER: See Landowner.

PARCEL: A lot, plot or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots or deeded areas.

PARK: A tract of land, designated and used by the public for active and passive recreation.

PARKING LOT: Any lot, municipally or privately owned for off street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

PARKING GARAGE: A building where passenger vehicles may be stored for short-term, daily or overnight off-street parking.

PARKING SHARED: Joint use of a parking area for more than one use.

PARKING SPACE: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

PARTY WALL: A common shared wall between two separate structures, buildings, or dwelling units.
PEDESTRIAN WALKWAY: A specified easement, walkway, path, sidewalk or other reservation which is designed and used exclusively by pedestrians.

PERMITTED BY RIGHT USES: Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A “nonconforming use” shall not be considered to be a permitted by right use, a special exception use or a conditional use.

PERSON: A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PERSONAL CARE HOME: A facility defined and licensed by the Commonwealth of Pennsylvania Department of Public Welfare in accordance with Title 55 of the Pennsylvania Code, Chapter 2620. A personal care home is a premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term-care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. A “halfway house” is not a personal care home.

PERSONAL CARE HOME CENTER: See “Assisted Living Facility”.

PERSONAL SERVICE ESTABLISHMENT: Service activities shall include and be similar to barbershops, beauty salons, health spas, massage parlors; photographic studios; self-service laundry and dry-cleaning establishments, laundromats; radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; and pet grooming with no overnight boarding. Personal service establishments shall not be construed to be adult regulated facilities as defined herein.

PERVIOUS SURFACE: Any material that permits full or partial absorption of stormwater.

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, 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 district, from time to time, under the provisions of this municipal ordinance.

PLAN: See Plat.

PLAN, SKETCH: An informal plan indicating salient existing features of a tract and its surroundings and the general layout of proposed subdivision or land development. The sketch plan does not constitute a formal submission of a preliminary or final plan and is voluntarily offered to all applicants for guidance.

PLAT: The map or plan of a subdivision or land development whether preliminary or final. (For the purpose of this ordinance, the terms “plat” and “plan” have the same meaning.

POWER GENERATION FACILITY: A facility that generates electric power for the purpose of transmission of such electricity to other users not located the site where the electricity is generated.

PRE-APPLICATION CONFERENCE: An initial meeting between developers and the Zoning Officer/Code Enforcement Official and/or Township Engineer which affords applicants and/or developers the opportunity to present their proposals informally.

PRIME AGRICULTURAL LAND: Land consisting of those soils designated by the USDA Natural Resource Conservation Service as prime soils.

PRINCIPAL USE: The primary or predominant use of any lot or parcel of land.
Definitions

PRINCIPAL WASTE HANDLING FACILITY: A principal use whereby waste is brought to the site for storage, processing, treatment, transfer or disposal.

PRIVATE: Not publicly owned, operated, or controlled.

PRIVATE RECREATIONAL FACILITY: A privately owned facility for recreational purposes, including but not limited to such uses as parks, nature trails and wildlife sanctuaries and excluding uses which would commonly be considered a nuisance because of noise, pollution, etc., such as racing, touring and promotion of motor vehicles.

PRIVATE STREET ROAD: A non-public right-of-way which provides vehicular access to one or more lots.

PRIVATE CLUB: A club operated for members only and not for profit.

PROFESSIONAL OFFICES: Include but are not limited to offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, banks, financial institutions, contractors (excluding storage) and similar office-oriented uses.

PUBLIC GROUNDS: Includes:

1. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
2. Sites for schools, sewage treatment, refuse disposal and other publicly owned and operated facilities;
3. Publicly owned or operated scenic and historic sites. (MPC)

PUBLIC LAND: Owned, operated or controlled by a government agency (Federal, state, or local) including a corporation created by law for the performance of certain specialized governmental functions or any public school district.

PUBLIC AND OTHER TRANSMISSION AND DISTRIBUTION FACILITIES: Public, semi-public and private utility transmission and distribution facilities including substations, pump stations, booster facilities, etc.

PUBLIC ENTERTAINMENT FACILITIES: An activity operated as a gainful business open to the public for entertainment or recreation, including but not limited to motion-picture theaters, health clubs and miniature golf courses.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING: A forum held pursuant to notice under 65. C.S. CH7 (Relating to open meetings).

PUBLIC NOTICE: A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. The 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 30 days and the second publication shall not be less than 7 days from the date of the hearing.

PUBLIC PARKS AND RECREATION AREAS: Locations for leisure-time activities, including but not limited to sports and entertainment that are open to anyone without restriction, except for the rules and standards of conduct and use.

PUBLIC RECREATION FACILITY/PUBLIC GROUNDS: Recreation facilities owned and/or operated by an agency of the municipality or other governmental body, including but not limited to parks, swimming pools, golf courses, etc.

PUBLIC STREET/ROAD: A street ordained or maintained or dedicated and accepted by a Borough, City, Township, County, State or Federal governments and open to public use.
PUBLIC UTILITY BOROUGH BUILDING AND STRUCTURES: Any structure which belongs to a public utility for uses such as electrical, telephone, gas, water and sewer which are regulated by the PUC or any other governmental agency.

PUBLIC UTILITY TRANSMISSION TOWER: A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

QUARRY: A lot or land or part thereof used for the purpose of extracting stone, sand, clay, gravel, or top soil for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RECEIVING MUNICIPALITY: A municipality that agrees to assume a portion of another municipality’s fair share obligation.

RECREATION: Any activity, whether structured or not, in which individuals voluntarily engage during their leisure, including but not limited to:

1. Sports (individual, dual, team, coed recreational, and combative), athletics; both land and water based.
2. Arts and crafts, spectating, picnicking, nature study, and board games.
3. Dance, drama, music, games, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities, and cultural activities.

RECREATION ACTIVE: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, OPEN SPACE: The area of land suitable for the development of specific active recreation facilities for leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including but not limited to baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools and attendance.

RECREATION, PASSIVE: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games.

RECREATION AREA, ACTIVE: Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: athletic fields and hard-suraced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

RECREATION AREA, PASSIVE: Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

RECREATIONAL VEHICLE: A vehicle-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

RECREATIONAL VEHICLE PARK OR CAMP GROUND: A parcel of land which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, on recreational vehicle or camp ground lots rented for such use.

RECREATIONAL VEHICLE PARK OR CAMP GROUND LOT: A parcel of land abutting a street or private road occupied by one recreational vehicle or camping equipment for temporary living quarters, for recreational, camping or travel use.
RECYCLING YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

REPAIR SERVICES: Shops for the repair of appliances, watches, guns, bicycles and other household items.

RESEARCH LABORATORY: An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

RESORT: A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals, and a conference/convention center. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

RESTAURANT: A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on-premises consumption.

RETAIL BUSINESS: Retail business shall include variety stores, apparel stores, florists, drugstores, grocery stores, eating and drinking establishments, liquor stores, antique shops, music shops, sporting goods stores, book, stationary, magazines, candy and tobacco shops, and other outlets that sell merchandise on a retail basis.

RETIREMENT COMMUNITY: Planned development designed to meet the needs of, and exclusively for, the residence of senior citizens.

RIDING ACADEMY OR BOARDING STABLE: An establishment where horses are kept for riding, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

RIPARIAN BUFFER AREA: An area of land adjacent to a perennial or intermittent stream, subject to the regulations of Article 23.

RIPARIAN LAND: Land that is traversed or bounded by natural watercourse or adjoining tidal lands.

RIPARIAN RIGHTS: Rights of a landowner to the water on or bordering his or her property, including the right to make use of such waters and to prevent diversion or misuse of upstream water.

ROAD: See “Street”.

SANITARY FACILITY, LANDFILL OR INCINERATOR: Land, structures and other appurtenances or improvements where municipal or residual waste disposal or processing is permitted or takes place or where hazardous waste is treated, stored or disposed. The term includes land thereby used or affected during the lifetime of operations, including areas where solid waste management actually occurs, support facilities, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities, contiguous borrow areas and other activities in which the natural land surface has been disturbed or used as a result of or incidental to operation of the facility. A waste facility must meet the requirements of Title 25 of the Commonwealth of Pennsylvania Code, Articles VII to Article IX, and any state or federal act or laws, as applicable and amended, such as the Solid Waste Management Act, the Clean Streams Law, and all applicable federal regulation, such as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sections 6901 to 6992 and 40 CFR Parts 260 to 279.
A waste disposal or processing plant may include landfills, incinerators, impoundment, transfer facilities, composting facilities or resource recovery facilities, as defined in the Pennsylvania Code.

SANITARY SEWAGE: Any liquid waste containing animal or vegetable matter in suspension or solution or the water-carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin or containing putrescible material.

SANITARY SEWER: Pipes that carry domestic or commercial sanitary sewage and into which storm, surface, and ground waters are not intentionally admitted.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface, which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn or cornucopia, and including its pedestal and other attachments. Such device shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as “satellite earth stations,” “television receivers only” or TCROs, and “satellite microwave antennas.”

SCHOOL: Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

SCHOOL, COLLEGE: Same as elementary and secondary school except general education is provided above the level of the secondary school and may include junior college, college, or university and is authorized to grant academic degrees.

SCHOOL, COMMERCIAL: A school conducted for profit for such instruction as business, art, music, trades, handicraft, dancing or riding.

SCHOOL, ELEMENTARY: Any school having regular sessions with employed instruction which teaches those subjects that are fundamental and essential in general education for elementary grades.

SCHOOL, NONPUBLIC: An educational facility not operated by a public agency.

SCHOOL, NURSERY: Any place designed and operated to provide regular instruction and daytime care for four or more children under the age of elementary school, and where tuition or other forms of compensation for the instruction and care of the children is charging. Such facility employs licensed personnel and is licensed by the Commonwealth of Pennsylvania.

SCHOOL, PAROCHIAL: A school supported and controlled by a church or religious organization.

SCHOOL, PRIVATE: Any building or group of buildings the use of which meets state requirements for primary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency.

SCHOOL, PUBLIC: A public place of instruction other than a commercial school operated by a public agency.

SCHOOL, SECONDARY: Same as Elementary School except general education is provided for secondary grades.

SCHOOL, TRADE/PROFESSIONAL: See “school, commercial.”

SCHOOL, VOCATIONAL: Same as elementary and secondary school except that the primary activity is training in a trade or vocation.

SCREENING: The provision of a barrier to visibility, air borne particles, glare and noise between adjacent properties uses and/or districts composed entirely of trees, berms, shrubs, sight-tight fences, walls and/or other similar type materials.
SCREEN PLANTING: A vegetative material of sufficient height and density to conceal from the view of property owners on adjoining properties. The structures and uses on the premises on which the screen planting is located.

SENDING MUNICIPALITY: A municipality that transfers a portion of its fair share obligation to another willing municipality.

SEPTIC SYSTEM: An underground system with a septic tank for the decomposition of wastes.

SETBACK: The distance between the building and any lot line.

SETBACK LINE: See Building Setback Line.

SEWAGE DISPOSAL SYSTEM (ON LOT): Any system designed to eliminate sanitary sewage within the boundaries of the lot the system serves.

SEWAGE DISPOSAL SYSTEM (PUBLIC OR COMMUNITY): A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to the central treatment and disposal plant.

SIDEWALK: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

SIDEWALK AREA: That portion of the right-of-way that lies between the right-of-way line and curb line, regardless of whether the sidewalk exists.

SIGHT DISTANCE: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGHT TRIANGLE: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This excludes national or state flags, window displays, graffiti, athletic scoreboards, or the official announcements or signs of governments.
SIGN, AREA: The area of a sign including all lettering, wording, and accompanying design and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

SIGN, AWNING, CANOPY OR MARQUEE: A sign that is mounted, painted or attached to an awning, canopy or marquee that is otherwise permitted by ordinance.

SIGN, BILLBOARD: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN, CONSTRUCTION: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, DIRECTIONAL: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way”, “entrance”, and “exit”.

SIGN, FACE: The area or display surface used for the message.

SIGN, FREESTANDING: A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.

SIGN, GROUND: Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

SIGN, HEIGHT: The vertical distance measured from the average surrounding ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Ordinance when attached to a tower or spire of a House of Worship.
SIGN, IDENTIFICATION: A sign giving the nature, logo, trademark, or other identifying symbol, and address of a building, business development, or establishment in the premises where it is located.

SIGN, INFLATABLE: Any display capable of being expanded by air or other gas and used in a temporary basis to advertise a product or event.

SIGN, OFF-PREMISE: A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

SIGN, PROJECTING: A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

SIGN, REAL ESTATE: A sign relating to the property upon which it is located, offering such property for sale or lease.

SIGN, ROOF: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof the eave line of a building with a gambled or gable or hip roof, or the deck line of a building with a mansard roof.

SIGN, TEMPORARY: Any sign, or advertising display constructed of cloth fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

SIGN, WALL: A sign primarily supported or painted on a wall of a building. A Wall Sign shall also include a sign displayed upon an awning, marquee or canopy.

SIGN, WINDOW: A sign which is attached to a window or transparent door or that can be read through a window or transparent door.

SIMILAR USE: A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele. See CHANGE OF USE

SITE: A parcel of land located in a municipality, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one lot.

SITE PLAN: An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

SKETCH PLAN: See “Plan, Sketch”.

SKILLED OR INTERMEDIATE NURSING CARE: Professionally supervised nursing care and related medical and other health services provided for a period exceeding 24 hours to an individual not in need of hospitalization, but whose needs are above the level of room and board and can only be met in a long-term-care nursing facility or an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity.

SLOPE: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOLID WASTE TRANSFER FACILITY: Land or structures where solid waste is received and temporarily stores, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.
SPOT ZONING: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive zoning plan.

SPECIAL EXCEPTION USES: A use permitted in a particular zoning district and approved by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code. A special exception use must be approved by the Zoning Hearing Board.

SPECIAL OCCASION HOME: An owner-occupied residence of historical and/or architectural significance which is available for private rental for occasions such as business meetings, weddings, receptions, banquets, private parties, fund-raising events, conferences and similar functions, although not otherwise open to the general public. The rental use must be as secondary and subordinate to the residential use.

SPECIFIED ANATOMICAL AREAS: (1) Less than completely and opaquely covered human genitals, pubic regions; buttocks; and female breasts below a point immediately above the top of the areola; and (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: (1) Human genitals in a state of sexual stimulation or arousal; (2) Acts of human masturbation, sexual intercourse or sodomy; and (3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition, or sale.

STABLE, PUBLIC: A building in which horses are kept for remuneration, hire, exhibition, or sale.

STEEP SLOPE: Land with a 15 feet or greater change in elevation 100 feet or less in horizontal distance or, in other terms, 15% or greater on the average. The following formula is the acceptable method of determining average slope:

\[ S = \frac{0.0023 I x L}{A} \]

\[ S = \text{Average percent slope of site} \]
\[ I = \text{Contour interval in feet} \]
\[ L = \text{Sum of the length of contours in feet} \]
\[ A = \text{Land area in areas of parcel being considered} \]

STOOP: A covered or uncovered area at the front, side or rear door.

STORAGE SHED: A structure not intended for residential occupancy which is accessory to the principal use of the property as a place to store personal property.

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 the floor and the ceiling next above it and including those basements used for the principal use.

STORY, HALF: A space under a sloping roof that has the line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with head room of five feet or less occupies at least 40 percent of the total floor area of the story directly beneath.

STREAM: A watercourse having banks and a channel through which waters flow at least periodically.

STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, land, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET, COLLECTOR: A major street or highway which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and the streets for circulation within such a development.
STREET, CUL-DE-SAC: See CUL-DE-SAC.

STREET, DEAD-END: A street with a single common ingress and egress.

STREET, MAJOR ARTERIAL: A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials.

STREET, MINOR ARTERIAL: A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.

STREET, PAPER: A street that has never been built shown on an approved plan, subdivision plat, tax maps, or official map.

STREET, PRIVATE: A legally established right-of-way other than a public street not offered for dedication or accepted for municipal ownership and maintenance.

STREET, CUL-DE-SAC: See “Cul-de-sac”.

STREET GRADE: The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade. Includes established grade.

STREET LINE: The dividing line between the street and the lot, also known as right-of-way line.

STREET WIDTH: The distance between street lines measured at right angles to the center line of the street.

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

STRUCTURE, ACCESSORY: A structure detached from a principle structure, but located on the same lot, which is customarily incidental and subordinate to the principal building, structure or use.

STRUCTURE, NON-CONFORMING: A structure or part of a structure that does not comply with the applicable provisions in this chapter or amendment theretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

STRUCTURE, PRINCIPAL: The main or primary structure on a given lot, tract, or parcel.

STRUCTURE, TEMPORARY: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

STUDIO: A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

STUDIO, DANCING OR MUSIC: The use of a premises by a teacher of music or dancing where students are taught these arts for a fee, and where more than one (1) student may be taught in a class at one time.

STUDENT: An individual registered for instruction from an educational institution, whether public or private, within a given calendar year.

STUDENT HOUSING: A living arrangement for no more than four students located in a dwelling having a floor area of at least 1,500 square feet not including basement, garages and accessory buildings. Students living in student
housing shall mean students, typically unrelated, living independently from parents or guardians while attending an education institution.

SUBDIVIDER: The owner or authorized agent of the owner of a lot, tract or parcel of land to be subdivided for sale or land development under the terms of this Ordinance.

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

SUBSTANTIAL DAMAGE: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds 50 percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

SUPPLY YARDS: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

SWALE: A low lying stretch of land characterized as a depression used to carry surface water runoff.

SWIMMING, BATHING OR OTHER POOL: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches, designed, used and maintained for swimming and bathing. Farm ponds and/or lakes are not included provided that swimming was not the primary purpose for their construction.

TAVERN: An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

TEMPORARY ROADSIDE STAND: A prospective use, intended for limited duration, for the display and retail sale of agricultural products grown and produced by the seller.

TEMPORARY STRUCTURE: See Structure Temporary.

TEMPORARY USE: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

THEATER: A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

THEATER, OUTDOOR DRIVE-IN: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT: An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional Neighborhood Development is relatively compact, limited in size and oriented toward pedestrian
activity. It has an identifiable center and a discernable edge. The center of the neighborhood is in the form of a public park, commons, plaza, square, or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origin to destination and are appropriately designed to serve the needs of pedestrians and vehicles equally.

TRAILER: See “Mobile Home”.

TRANSFERABLE OF DEVELOPMENT RIGHTS (TDR): The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

TRANSFORMER SUB-STATION: An electric substation containing an assemblage of equipment for the purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public, provided that in a residential district, an electric substation shall not include rotating power equipment, storage of materials, trucks or repair facilities or housing of repair crews.

TRANSPORTATION TERMINAL: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. The terminal may also serve as a passenger station that is central to an area and serves as a junction at any point with another line. A bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight.

TREATMENT CENTER: A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

1. Criminal rehabilitation, such as a criminal halfway house;
2. Current addition to alcohol or a controlled substance that was used in an illegal manner; and/or
3. A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

UNDEVELOPED LAND: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

USE: The specific purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

USE, ACCESSORY: A use customarily incidental and subordinate to the principal use, building or structure located on the same lot with this principal building or structure.

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

USE, PRINCIPAL: The main or primary use of property, buildings or structures.

UTILITY LINE: A line built and maintained in order to transport materials, utilities or services by underground or above ground means, including gas, electric, oil, cable, water, sewage, telephone, fiber optic cables, stormwater, computer lines and other lines.
VARIANCE, HARDSHIP: A departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property. The hardship variance can be granted when the strict enforcement of the zoning ordinance as it applies to a specific lot would present practical difficulties in the use of the property. The hardship relates to the physical characteristics of the property, and without the variance, the property becomes unusable.

VEGETATIVE COVER: An area covered with a vegetative material: grass, shrubs, vines and trees.

VEHICLE BODY SHOP: A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of motor vehicles, provided that all repair and paint work is performed within an enclosed building and all motor vehicle parts, refuse and similar articles are stored within a building or enclosed area. Mechanical repairs, the sale of lubricants, etc., may or may not be included as accessory uses.

VEHICLE, DISMANTLED OR NONOPERABLE: A vehicle which does not display the current Pennsylvania state inspection certificate and is manifestly incapable of being locomotive in its existing condition. This does not include agricultural machinery and equipment.

VEHICLE, MOBILE/MANUFACTURED HOME AND/OR TRAILER SALES LOT: An open lot used for the outdoor display or sales of new or used automobiles for mobile homes and where minor and incidental repair work (other than body and fender) may be done.

VEHICLE, REPAIR GARAGE: A building on a lot designed and/or used primarily for mechanical repairs, storage, rental or servicing of automobiles, trucks and similar motor vehicles.

VETERINARIAN: A qualified professional trained in the care and treatment of animals and in particular domestic animals. For the purpose of this Zoning Ordinance the term “veterinarian” includes the office, waiting room, examination room, treatment area and overnight quarters for the usual house pets (dogs, cats, birds, hamsters and the like).

VETERINARY: See “Animal Hospital”.

VIEWSHED: That portion of the landscape which can be readily viewed by the observer from one or more vantage points. The extent of area that can be viewed is commonly delineated by landform, vegetation and/or distance.

VESTED RIGHT: A right that cannot be changed or altered by changes in regulation.

WAREHOUSE: A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

WATER COURSE: A stream of water, river, brook, creek, or channel or ditch for water, whether natural or man-made.

WATER FACILITY: Any waterworks, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [Definition used by U.S. Environmental Protection Agency and U.S. Army corps of engineers.]

YARD, REQUIRED: An open space located on the same lot with a building unoccupied and unobstructed from the ground up, except for permitted accessory buildings or such projections as are expressly permitted. The minimum depth or width of a required yard shall consist of the horizontal distance between the lot line and the required building setback line.
REQUIRED YARD SETBACKS

YARD, BUFFER: See Buffer Yard.

YARD, DEPTH: The shortest distance between a lot line and a required setback line.

YARD, FRONT: A space parallel to the front lot line and extending the full width of the lot between a required front setback line and the front lot line.

YARD LINE: See Building Setback Line.

YARD, REAR: A space parallel to the rear lot line and extending across the full width of the lot between the required rear setback line and the rear lot line.

YARD, SIDE: A space parallel to the rear lot line and extending from the front yard to the rear yard between the required side setback line and the side lot line.
YIELD PLAN: One of two methods of determining the maximum number of permitted dwelling units in a conservation subdivision, where the yield plan is a conceptual layout plan in accordance with the standards of the Subdivision and Land Development Ordinance, containing proposed lots, streets, rights-of-way and other pertinent features. Although the yield plan is drawn to scale, it need not be based on a field survey. The yield plan is based on a chosen density factor of a given conservation subdivision option and is applied to the gross tract acreage. The actual methodology is provided in § 245-165 herein. The other method is the adjusted tract area approach.

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.

ZONE: Same as District.

ZONING: A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as well as regulations governing lot size, building bulk, placement and other development standards.

ZONING DISTRICT: A section of a municipality designated in the Zoning Ordinance text and delineated on the Zoning Map, in which requirements for the use of land and building and development standards are prescribed.

ZONING MAP: The map setting forth the boundaries of the Zoning Districts of the Borough/Township/City which shall be part of this Ordinance.

ZONING OFFICER: The administrative officer appointed by the Governing Body to administer the Zoning Ordinance and issue zoning permits.

ZONING PERMIT: A document signed by a zoning officer, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or authorized variance therefrom.
ARTICLE 3
ADMINISTRATION & ENFORCEMENT

Sec. 300. Applicability of this Ordinance
A. This Zoning Ordinance shall apply throughout (municipality). Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance.

Sec. 301. Administration
A. The provisions of this Ordinance shall be enforced by an agent, to be appointed by the (governing body) who shall be known as the Zoning Officer. The Zoning Officer may have designated an employee of (municipality) as his Assistant, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.

B. The duties of the Zoning Officer shall be:
1. Administer the Zoning Ordinance in accordance with its literal terms;
2. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved;
3. To record and file all applications for zoning permits or certificates of occupancy, and accompanying plans and documents, and keep them for public record;
4. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments;
5. Determine the date before which steps for compliance must be commenced and the date before which the steps must be completed. The Zoning Officer shall determine an appropriate duration of time for compliance of the specified activity, not to exceed 30 days. Extensions up to a total of 90 days from the date of receipt of the enforcement notice may be granted at the discretion of the Zoning Officer if applied for in writing;
6. Upon the request of the (governing body) or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;
7. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto;
8. To revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance, or otherwise permitted by law;
9. To review proposed subdivisions and land developments for compliance with this Ordinance; and
10. To take enforcement actions as provided by the State Municipalities Planning Code, as amended.
Sec. 302. Permits & Certificates

A. A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the Zoning Officer or his/her designee. No zoning permit or certificate of use and occupancy shall be granted by him/her for any purpose except in compliance with the literal provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment.

1. A Zoning Permit is required to be issued prior to the start of any of the following activities:
   a. Erection, construction, movement, placement, razing, demolition, removal, alteration or expansion (vertical or horizontal) of a structure, building or sign;
   b. Change of the type of use or expansion of the use of a structure or area of land
   c. Creation of a new use
   d. Demolition of a building
   e. Other activities required to have a permit by this Ordinance
   f. The alteration or development of any improvement or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations for underground utilities provided the final grade is not altered.
   g. The erection or alteration of any signs specified in Article 26 of this Ordinance;
   h. The construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins;
   i. No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance;

2. (Municipality) may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate application for the permits.

3. The only determination by the Zoning Officer that shall be official shall be a written determination after the Zoning Officer receives a duly submitted written official application.

4. Such zoning permits shall be granted or refused within ninety (90) days from date of application.

5. No zoning permit shall be issued except in conformity with:
   a. All applicable regulations of this Ordinance;
   b. Any conditions imposed upon the site by the Zoning Hearing Board or the (governing body); and
   c. Any recorded subdivision or land development plan.

6. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied.
7. Application for a zoning permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making the application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.

8. The Zoning Officer may call upon other (municipality) staff and/or municipal appointed consultants in the review of submitted materials for applications;

9. The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

10. Where a zoning permit is required by this Ordinance, but the work is commenced or changed prior to obtaining such permit, and after notice by (municipality) the fees set by ordinance or resolution of the (governing body) for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by (municipality) resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it is received. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this Ordinance or any other applicable (municipality) ordinances or from any penalties or enforcement actions authorized by this Ordinance.

11. Issuance of Permits. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefore. He shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit therefore as soon as practical but not later than ninety (90) days from receipt of the application.

12. Reconsideration of Application. An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. Additional fees may apply as set by the (governing body).

13. Expiration of Zoning Permit. The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended one time for one (1) additional year, upon written request by the applicant on a form provided by (municipality).

14. Compliance with Ordinance. The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.

15. Compliance with Permit and Plot Plan. All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.

16. Display of Zoning Permit. All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of occupancy.
17. Inspections. Inspections of the property in question by the Zoning Officer or other duly appointed official may be required at various intervals during the construction process. By submitting an application for a zoning permit, the landowner authorizes (municipality) to perform such inspections as required.

Sec. 303. Certificate of Use and Occupancy

A. It shall be unlawful to use and/or occupy any structure, sign, land area or portion thereof for which a Zoning Permit is required until a Certificate of Use and Occupancy for such activity has been issued by the Zoning Officer.

B. The (municipality) staff may permit the Zoning Permit application to serve as the application for the Certificate of Use and Occupancy.

C. The Certificate of Use and Occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this Ordinance, to the best knowledge of the Zoning Officer.

D. The applicant shall keep a copy of the Certificate of Use and Occupancy available for inspection.

E. Upon request of the applicant, the Zoning Officer may issue a temporary Certificate of Use and Occupancy. Such temporary Certificate may permit as activity to occur in all or part of a structure before the entire work covered by the zoning permit has been completed.

1. However, such temporary Certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.

2. The temporary Certificate shall establish in writing a maximum time period under which it is valid. A 6 month maximum time period shall apply if not otherwise specified.

3. Failure to receive a permanent Certificate of Use and Occupancy within such time period shall be a violation of this Ordinance.

4. The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.

F. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under a zoning permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a Certificate of Use and Occupancy for the intended use listed in the original application. Where a building permit is required under the Uniform Construction Code, a certificate of use shall not be issued until a final inspection by the Building Code Official is complete and found to be satisfactory.

Sec. 304. Zoning Permit for Temporary Uses and Structures

A. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:

1. Customary, routine and accessory short-term special events, provided that only a well-established nonprofit organization or a permitted place of worship proposing a temporary use demonstrates clearly that the proposed use will primarily serve a charitable, public service or religious purpose in order to be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted;

2. Temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway;
3. Such other activities that the applicant proves are routine, customary and temporary.

B. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 6 month maximum period shall apply. A temporary permit may be renewed for just cause.

Sec. 305. Types of Uses

A. Permitted By Right Uses. The Zoning Officer shall issued a zoning permit under this Ordinance in response to an application for a use that is “permitted by right” if it meets all of the requirements of this Ordinance.

B. Special Exception Use. A zoning permit under this Ordinance for a use requiring a Special Exception Permit shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board and any conditions required by this Ordinance.

C. Conditional Use. A zoning permit under this Ordinance for a use requiring a Conditional Use Permit shall be issued by the Zoning Officer only in response to a written approval by the (governing body), following a hearing, and compliance with any conditions by the (governing body) and any conditions required by this Ordinance.

D. Application Requiring a Variance. A permit under this Ordinance for a use requiring a Variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board.

Section 306. Applications for Zoning Permits

A. Submittal. All applications for a Zoning Permit shall be made in writing on a form provided by (municipality). Such completed application, with required fees, shall be submitted to a designated (municipality) employee.

B. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new principal building, expansion of a principal building or addition of 3 or more parking spaces. The site plan shall be drawn to scale and show the following:

1. Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and location of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features.

2. Notes showing the dimensions of all buildings from lot lines and street rights-of-way.

3. Location of any watercourses and any 100 year floodplain.

4. Proposed lot areas, lot widths and other applicable dimensional requirements.

5. Locations and widths of existing and proposed sidewalks.

C. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:

1. Address of the lot.
2. Name and address of the applicant, and of the owner of the property if different from the applicant.

3. Description of the proposed use of the property.

4. All other applicable information listed on the official (municipality) application form.

5. Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance.

D. Application for Zoning Permits for Uses in All Commercial and Industrial Zones (excluding demolition permits) shall include the following:

1. A location plan showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and streets for a distance of two hundred feet (200’) from all tract boundaries;

2. A plot plan certified by a professional surveyor or engineer of the lot showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls, access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical features;

3. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation;

4. Evidence that the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within (_____________) County which have been contracted to dispose of the materials used and wastes generated on-site. The zoning permit shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future such that the materials used or wastes generated change significantly, either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section;

5. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation;

6. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained;

7. The proposed number of shifts to be worked and the maximum number of employees on each shift;

8. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees; and

9. Submission, approval and recordation of a Subdivision or Land Development plan, as required.

E. Areas Subject to Flooding. If the proposed development, excavation or construction is located within an area subject to regulation by the (Municipality) Floodplain Ordinance, the following information is specifically required to accompany all applications, as prepared by a licensed professional:
Model Zoning Ordinance

1. The accurate location and elevation of the floodplain and floodway;

2. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements;

3. The elevation, in relation to the NGVD, to which all structures and utilities will be flood-proofed or elevated;

4. Where floodproofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the flood-proofing methods used meet all applicable codes and ordinances; and,

F. Uniform Construction Code. Where the proposed use is regulated under the Uniform Construction Code, the applicant shall submit an application of building permit concurrently with the zoning permit. A zoning permit will not be issued until satisfactorily meeting the requirements of the Uniform Construction Code.

G. Submittals for Special Exception or Conditional Uses. In addition to the information listed above, an application for a Special Exception or Conditional Use requiring a site plan and action by the Zoning Hearing Board or (governing body) shall also include the following information, unless the Zoning Officer determines that such information is not necessary to determine compliance with this Ordinance:

1. Present zoning district and major applicable lot requirements.

2. For non-residential use:
   a. Description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards.
   b. Maximum hours of operation.

3. Existing directions of stormwater flow (and any proposed revisions) and any proposed methods of stormwater management.

4. Listing of any sections of this Ordinance from which a Variance is being requested.

5. Approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as “drug store” or “single-family detached dwelling”).

6. Heights, locations, methods of illumination and intensity of exterior lighting and sign lighting.

7. Name and address of person who prepared the site plan.

8. Signed acknowledgement of the site plan by the applicant.

9. Such additional information required under applicable sections of this Ordinance.

Section 307. Issuance of Permits

A. At least 1 copy of each zoning permit application and any other zoning approvals shall be retained in (municipality) files.
B. PennDOT Permit. Where necessary for access onto a State road, a (municipality) zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.

Section 308. Revocation of Permits; Appeal of Permit or Approval

A. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of this Ordinance in the case of one or more of the following:

1. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties).

2. Upon violation of any condition lawfully imposed by the Zoning Hearing Board for a Special Exception Use or a Variance.

3. Upon violation of any condition lawfully imposed by the (governing body) for a Conditional Use.

4. Any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application.

5. Any other just cause set forth in this Ordinance.

B. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions made under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code (MPC). Such appeal shall occur within the time period established by the MPC.

Section 309. Compliance with (municipality) Subdivision and Land Development Ordinance.

A. If an application under this Ordinance would also be regulated by the (municipality) Subdivision and Land Development Ordinance (“SALDO”), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO.

1. For example, if an applicant applies for a permit for a single-family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision and land development approval and the lot is officially recorded by the County Recorder of Deeds.

Section 310. General Procedure for Permits

A. After receiving a proper application, the Zoning Officer shall either (1) issue the applicable permit(s); or (2) deny the application(s) as submitted, indicating one or more reasons in writing to the applicant.

B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified in the permit, in compliance with other (municipality) Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

Section 311. Interpretation and Uses Not Regulated

A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable (municipality) Ordinance.

B. Uses Not Specifically Regulated. If a use clearly is not permitted By Right, Conditional Use or as a Special Exception Use by this Ordinance within any Zoning District, the use is prohibited, except that the Zoning
Hearing Board may permit such use as a Special Exception use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:

1. Proposed use would be less intensive in external impacts and nuisances than uses that are permitted in the Zoning District.

2. Proposed use would be closely similar in impacts and character to uses permitted in that zoning district. (See Sec. 504(c))

3. Use would meet the standards that would apply under Section 316(E)(3)(b) for a Special Exception use.

4. Use is not specifically prohibited in that Zoning District.

C. Interpretation of Ordinance Text and Boundaries

1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all Zoning District boundaries to applications. In any case, the Zoning Officer may also request an advisory opinion from the (municipality) Solicitor or the Zoning Hearing Board Solicitor to aid in the Zoning Officer’s determination.

2. If an applicant disagrees with the Zoning Officer’s determination and believes that the Ordinance should be interpreted in the applicant’s favor, the applicant may appeal to the Zoning Hearing Board.

Section 312. Interpretation of Zoning Boundaries

The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map:

A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, creeks, railroads and lot lines (according to official County records) as they existed at the time of the adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Official Zoning Map.

B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.

C. The location of a district boundary that divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.

D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

Section 313. Enforcement, Violations and Penalties

All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference.

A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:
1. Failure to secure a Zoning Permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the excavation of land to prepare for the erection, construction or alteration of any structure or portion thereof.

2. Placement of false statements on or omitting relevant information from an application for a Zoning Permit.

3. Undertaking any action in a manner which does not comply with an approved Zoning Permit.

4. Violation of any conditions imposed by a decision of the Zoning Hearing Board in granting a Variance, Special Exception or other approval.

5. Violation of any condition imposed by a decision of the (governing body) in granting a Conditional Use.

B. Causes of Action; Enforcement; Remedies

1. Enforcement. If it appears to (municipality) that a violation of this Zoning Ordinance has occurred, (municipality) shall initiate enforcement proceedings by sending an enforcement notice. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.

2. Enforcement Notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state the following, at minimum:
   a. The name of the owner of record and any other person against whom the municipality 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 the Zoning Ordinance.
   d. The date before which the 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 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.

3. Evidence & Fees. In any appeal of an enforcement notice to the Zoning Hearing Board, (municipality) shall have the responsibility of presenting its evidence first. Any filing fees paid by a party to an appeal to an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by (municipality) if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party’s favor.

4. Cause of Action. If the enforcement notice is not complied with, within the specified time period, the Zoning Officer shall notify the (governing body). With the consent of the (governing body), the (municipality) Solicitor or other officer of (municipality) may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation.
5. Violations and Penalties. 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 therefore in a civil enforcement proceeding commenced by (municipality), pay a judgment of not more than five hundred dollars ($500) plus all court costs, including the reasonable attorney’s fees incurred by (municipality) 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, (municipality) may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation; unless a 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 such violation until the fifth day following the date of the determination by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney’s fees collected for the violation of this Ordinance shall be paid over to (municipality). Imprisonment shall not be authorized by this Ordinance.

Section 314. Fees

A. Determination. The (governing body) may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The (governing body) may reevaluate the fees schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the (governing body).

Section 315. Amendments

A. Power of Amendment. The (governing body) may from time to time, amend, supplement, change or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the (municipality) Planning Commission, the (governing body) or by a petition to the (governing body) by an interested party;

B. Hearing and Enactment Procedures for Zoning Amendments:

1. Public Hearing. Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the (governing body) shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given.

2. Public Notice. Before conducting a public hearing, the (governing body) shall provide public notice as follows:

   a. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in (municipality). 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 days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail.

   b. For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time, municipality, location of the hearing;
b.2. In addition to the requirement, that notice be posted on the subject property, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by (municipality) at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of (municipality). The notice shall include the location, date and time of the public hearing. The provisions of this section shall not apply when the rezoning constitutes a comprehensive rezoning.

c. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public; and,

d. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the (governing body) shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment;

3. Enactment Notice. In addition to the public notice requirements defined herein, the (governing body) must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within (municipality) where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in (municipality) not more than sixty (60) days nor less than seven (7) days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding subsection;

4. (Municipality) Planning Commission Referrals. For amendments proposed by parties other than the (municipality) Planning Commission, the (governing body) shall submit each amendment at least thirty (30) days prior to public hearing to the (municipality) Planning Commission for review and comment. The (municipality) Planning Commission shall submit a report of its review, together with any recommendations, to the (governing body) within forty-five (45) days from the date of said referral. The recommendation of the (municipality) Planning Commission may include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this Ordinance and any officially adopted Comprehensive Plan of (municipality). The (governing body) cannot act upon the amendment until it has received a recommendation from the (municipality) Planning Commission; however, should the (municipality) Planning Commission fail to submit its recommendation within forty-five (45) days, the (governing body) may proceed without its recommendation;

5. County Planning Commission Referrals. All proposed amendments shall be submitted to the County Planning Commission at least thirty (30) days prior to public hearing on such amendments. The County Planning Commission may submit recommendations to the (governing body) within forty-five (45) days of such referral. The (governing body) cannot act upon the amendment until it has received a recommendation from the County Planning Commission; however, should the County Planning Commission fail to submit its recommendation within forty-five (45) days, the (governing body) may proceed without its recommendation;

6. Adjournment of Public Hearing. If during the public hearing process, the (governing body) needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a specific time and place; and,

7. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the County Planning Commission;
C. Amendment Initiated by the (municipality) Planning Commission. When an amendment, supplement, change or repeal is initiated by the (municipality) Planning Commission, the proposal shall be presented to the (governing body) which shall then proceed in the same manner as with a petition to the (governing body) which has already been reviewed by the (municipality) Planning Commission;

D. Amendment Initiated by the (governing body). When an amendment, supplement, change or repeal is initiated by the (governing body), such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 315 above.

E. Amendment Initiated by a Petition from an Interested Party. A petition for amendment, supplement, change or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting the truth and correctness of all the facts and information presented in the petition. A fee to be established by (governing body) shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The (governing body) may require duplicate sets of petition materials.

F. Curative Amendment by a Landowner. A landowner, who desires to challenge on substantive grounds the validity of this Ordinance or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the (governing body), including all of the reasons supporting the request to be considered, with a written request that his challenge and proposed amendment be heard and decided as provided in the PA Municipalities Planning Code, as amended. The (governing body) shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the County Planning Commission as provided for in Section 315 and public notice of the hearing shall be provided as defined herein.

1. In reviewing the curative amendment, the (governing body) may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The (governing body) 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 the Ordinance or map;

   c. The suitability of the site for the intensity of use proposed by the site’s soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;

   d. The impact of the proposed use on the site’s soils, slopes, woodlands, wetlands, floodplains, 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;

2. The (governing body) shall render its decision within forty-five (45) days after the conclusion of the last hearing;
Model Zoning Ordinance

3. If the (governing body) fails to act on the landowner’s request within the time limits referred to above, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;

4. Public notice of the hearing shall include notice that the validity of the Ordinance or Zoning Map is in question and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public;

5. The challenge shall be deemed denied when:
   a. The (governing body) fails to commence the hearing within sixty (60) days;
   b. The (governing body) notified the landowner that it will not adopt the curative amendment;
   c. The (governing body) adopts another curative amendment which is unacceptable to the landowner; or
   d. The (governing body) fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality;

6. Where, curative amendment proposal is approved by the grant of a curative amendment application by the (governing body) pursuant to this section or a validity challenge is sustained by the Zoning Hearing Board or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of the PA Municipalities Planning Code shall apply; and,

7. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development Ordinance, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner which adversely affects the rights of applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purposes of awarding such supplemental relief as may be necessary;

G. Curative Amendment by the (Governing Body)

1. The (governing body), by formal action, may declare this Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration proposal, the (governing body) shall:
   a. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof which may include:
      (1) references to specific uses which are either not permitted or not permitted in sufficient quantity;
(2) references to a class of use or uses which require revision; or
(3) references to the entire Ordinance which requires revisions.

b. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the (governing body) shall enact a curative amendment to validate or reaffirm the validity of this Ordinance pursuant to the provisions required by the PA Municipalities Planning Code in order to cure the declared invalidity of the Ordinance;

3. Upon the date of the declaration and proposal, the (governing body) shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the (governing body) propose to prepare a curative amendment; and,

4. The (governing body), having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon (municipality) by virtue of a decision by any Court of competent jurisdiction, the (governing body) may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

H. Authentication of Official Zoning Map. Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the (municipality) Secretary and shall thereafter be refilled as part of the permanent records of (municipality).

Section 316. Zoning Hearing Board

A. Establishment and Membership

There shall be a Zoning Hearing Board which shall consist of three (3) members who shall be appointed by resolution by the (governing body). The membership of the Zoning Hearing Board shall consist of residents of (municipality). Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify (municipality) of any vacancies which occur. Appointments to fill vacancies shall hold no other office in (municipality). Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the (governing body) taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The (governing body) may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of this Section, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in (municipality),
including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated, unless designated as a voting alternate member pursuant to this Article.

B. Organization of Zoning Hearing Board

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Section ______. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of (municipality) and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of (municipality), and shall submit a report of its activities to the (governing body) upon request.

C. Expenditures for Services

Within the limits of funds appropriated by the (governing body), the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the (governing body). Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the (governing body), for the performance of their duties when designated as alternate members pursuant to Section 316(A), but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the (governing body).

D. Hearings

1. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

   a. Public notice (as defined herein) shall be provided. In addition, the Zoning Hearing Board shall notify by mail the Zoning Officer, (municipality) Secretary, each member of the (governing body), Secretary of the Planning Commission, and every other person or organization who shall have registered with the Zoning Hearing Board for the purposes of receiving such notices. Such mailed notices shall state the location of the site and the nature of the request. It shall also state the time, date, and location of the proposed hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;

   b. The (governing body) may prescribe reasonable fees with respect to hearing 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;
The first hearing before the Zoning Hearing Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant’s application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing 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 its case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearing 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. An applicant may, upon request, be granted additional hearings to complete its case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

2. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to (municipality), may, prior to the decision of the hearing, waive decisions or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final;

3. The parties to the hearing shall be (municipality), any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose;

4. The Chairman or Acting Chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;

5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;

6. Formal rules of evidence shall not apply, but irrelevant, immaterial, and unduly repetitious evidence may be excluded;

7. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer; or shall be paid by the person appealing the decision of the Zoning Hearing 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;

8. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings
after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present;

9. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by the findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board’s decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Article IX of the PA MPC, where the Zoning Hearing Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Section 316(D) of this Ordinance, 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 the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision with ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 316(D) of this Ordinance. If the Zoning Hearing Board 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.

10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the next business day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined; and,

11. Effect of Zoning Hearing Board’s Decision

a. If the variance or special exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Zoning Hearing Board may at any time, upon application in writing extend either of these deadlines;

b. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board;

c. Should the appellant or applicant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Zoning Hearing Board may, upon ten (10) days’ notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the
permit, or permits, or the other action authorized to the appellant or applicant, if the Zoning Hearing Board finds that no good cause appears for the failure to complete within such three (3) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified; and,

d. As an alternative to the preceding, an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the deadlines imposed. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Zoning Hearing Board must establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

E. Zoning Hearing Board’s Functions

The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

1. Substantive Challenges to the Validity of the Zoning Ordinance, except those brought before the (governing body) pursuant to Section 916.1(a)(2) of the PA MPC.

a. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

(2) 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 the Ordinance or Zoning Map;

(3) The suitability of the site for the intensity of use proposed by the site’s soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;

(4) The impact of the proposed use on the site’s soils, slopes, woodlands, wetlands, floodplains, natural resources and nature features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and,

(5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare;

b. Public notice of the hearing shall be provided as specified in Section 316(D) of this Ordinance.

c. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time; and,
d. The Zoning Hearing Board, shall render its decision with forty-five (45) days after the conclusion of the last hearing. If the Board fails to act on the landowner’s request within this time limit a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;

2. Challenges to the Validity of the Zoning 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;

3. Special Exceptions as provided for in this Ordinance and subject to all applicable requirements, including, but not limited to:
   a. Filing Requirements. In addition to the required zoning permit information, each Special Exception application shall include the following:
      (1) Ground floor plans and elevations or proposed structures;
      (2) Names and address of adjoining property owners including properties directly across a public right-of-way;
      (3) A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
      (4) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
   b. General Criteria. Each applicant must demonstrate compliance with the following:
      (1) The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
      (2) The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
      (3) The proposed use will not substantially change the character of the subject property’s neighborhood;
      (4) Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
      (5) The proposed use complies with the (municipality) Floodplain Ordinance;
      (6) The proposed use shall comply with those criteria specifically listed in Article18 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
      (7) The proposed use will not substantially impair the integrity of the (municipality’s) Comprehensive Plan;
   c. Conditions. The Zoning Hearing Board in approving Special Exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. The conditions shall be enforceable by the Zoning Officer
and failure to comply with such conditions shall constitute a violation of this Ordinance and,

d. Site Plan Approval. Any site plan presented in support of the Special Exception pursuant to Section 316(E)(3) shall become an official part of the record for said Special Exception. Approval of any Special Exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another Special Exception Approval;

4. Variances. The Zoning Hearing Board shall hear requests for Variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application to the Zoning Officer. The Zoning Hearing Board may grant a Variance, provided that all of the following findings are made where relevant in a given case:

a. 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 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 zone in which the property is located;

b. That because of such physical circumstances or conditions, there is not a 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 reasonable use of the property;

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

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

e. That the Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue;

f. The proposed use complied with the (municipality) Floodplain Ordinance;

g. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance;

h. Filing Requirements. In addition to the required zoning permit each variance application shall include the following:

(1) Ground floor plans and elevations of existing and/or proposed structures;

(2) Names and addresses of adjoining property owners, including properties directly across a public right-of-way;
A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,

A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;

i. Conditions. The Zoning Hearing Board in approving Variance applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions will constitute a violation of this Ordinance; and,

j. Site Plan Approval. Any site plan presented in support of a Variance shall become an official part of the record for said Variance. Approval of any Variance will also bind the use in accordance with the submitted site plan;

5. 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 therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot;

6. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance;

7. Appeals from the Zoning Officer’s determination under Section 916.2 (and any subsequent amendments) of the PA Municipalities Planning Code; and,

8. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use Ordinance with reference to sedimentation and erosion control, and/or storm water management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Article V and VII of the PA Municipalities Planning Code.

F. Parties Appellant before the Zoning Hearing Board

Appeals under Sections 316(E)(4)(d), 316(E)(4)(e); 316(E)(4)(f); 316(E)(4)(g); and 316(E)(4)(h) and proceedings to challenge this Ordinance under Section 316(E) may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of (municipality), or any person aggrieved. Requests for a variance or a special exception may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

1. The name and address of the appellant and applicant;

2. The name and address of the landowner of the real estate to be affected;

3. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request;

4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and,

5. A statement of the Section of this Ordinance under which the request may be allowed, and reasons why it should, or should not be granted.

G. Time Limitations
No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval 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 or 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 by the Zoning Officer a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2 of the PA Municipalities Planning Code, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

H. Stay of Proceeding

1. Upon filing of any proceeding referred to in Section F above and during its pendency before the Zoning Hearing 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 Zoning Hearing 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 Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Office 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 Zoning Hearing Board by person other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such person to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. 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. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

2. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellant court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

I. Appeal

Any person, taxpayer, or (municipality) aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after such decision of the Zoning Hearing Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and the PA Municipalities Planning Code as amended.

Section 317. Conditional Uses

A. Filing of Conditional Use. For any use permitted by Conditional Use, a conditional use must be obtained from the (governing body). In addition to the information required on the zoning permit application, the Conditional Use application must show:
1. Ground floor plans and elevations of proposed structures;

2. Names and addresses of adjoining property owners including properties directly across a public right-of-way;

3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,

B. General Criteria. Each applicant must demonstrate compliance with the following:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;

2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;

3. The proposed use will not effect a change in the character of the subject property’s neighborhood;

4. Adequate public facilities are available to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.);

5. The proposed use complies with the (municipality) Floodplain Ordinance;

6. The proposed use shall comply with those criteria specifically listed in _____ of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance; and,

7. The proposed use will not substantially impair the integrity of the (municipality’s) Comprehensive Plan;

C. Conditions. The (governing body) in approving Conditional Use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance;

D. Site Plan Approval. Any site plan presented in support of the Conditional Use shall become an official part of the record for said Conditional Use. Approval of any Conditional Use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtaining of another Conditional Use approval;

E. Hearing Procedures:

1. Before voting on the approval of a Conditional Use, the (governing body) shall hold a public hearing thereon, pursuant to public notice. The (governing body) shall submit each such application to the (municipality) Planning Commission at least thirty (30) days prior to the hearing held upon an application to provide the (municipality) Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application;

2. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provisions, by rules of the (governing body). In addition to the written notice provided herein, written notice of
said hearing shall be conspicuously posted on the affected tract of land at least one week prior to
the hearing;

3. The (governing body) may prescribe reasonable fees with respect to hearings. Fees for said
hearings may include compensation for the secretary, notice and advertising costs, and necessary
administrative overhead connected with the hearing. The costs, however, shall not include legal
expenses, expenses for engineering, architectural, or other technical consultants, or expert witness
costs;

4. The parties to the hearing shall be (municipality), any person affected by the application who has
made timely appearance of record before the (governing body), and any other person, including
civic or community organizations permitted to appear by the (governing body). The (governing
body) shall have power to require that all persons who wish to be considered parties enter
appearance in writing on forms provided by the (governing body) for that purpose;

5. The Chairman or Acting Chairman of the (governing body) shall have power to administer oaths
and issue subpoenas to compel the attendance of witnesses and the production of relevant
documents and paper, including witnesses and documents requested by the parties;

6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity
to respond and present evidence and argument and cross-examine adverse witnesses on all
relevant issues;

7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence
may be excluded;

8. The (governing body) may keep a stenographic record of the proceedings. The appearance fee for
a stenographer shall be shared equally by the applicant and the (governing body). The cost of the
original transcript shall be paid by the (governing body) if the transcript is ordered by the
(governing body); or shall be paid by the person appealing the decision of the (governing body) 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; and,

9. The (governing body) shall not communicate, directly or indirectly, with any party or his
representatives in connection with any issue involved except upon notice and opportunity for all
parties to participate, shall not take notice of any communication, reports, staff memoranda, or
other materials, except advice from their solicitor, unless parties are afforded an opportunity to
contest the material so noticed and shall not inspect the site or its surroundings after the
commencement of hearings with any party or his representative unless all parties are given an
opportunity to be present,

10. The hearing shall be conducted by the (governing body) or the (governing body) may appoint any
member or an independent attorney as a hearing officer. The decision, or, where there is no
decision, the findings shall be made by the (governing body). However, the appellant or the
applicant, as the case may be, in addition to (municipality), may, prior to the decision of the
hearing, waive decision or findings by the (governing body) and accept the decision or findings of
the hearing officer as final.

11. The (governing body) shall render a written decision or, when no decision is called for, make
written finds on the Conditional Use application within forty-five (45) days after the last hearing
before the (governing body). Where the application is contested or denied, each decision shall be
accompanied by findings of fact or conclusions based thereon, together with any reasons therefore.
Conclusions based on any provisions of this ordinance or of any ordinance, rule or regulation shall
contain a reference to the provision relied on and the reasons why the conclusion is deemed
appropriate in the light of the facts found.
12. Where the (governing body) fails to render the decision within the period required by this Article or fails to commence, conduct or complete the required hearing as provided in Section _____ of this Ordinance, 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 of an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the (governing body) to meet or render a decision as hereinabove provided, the (governing body) 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 as required by the public notice requirements of this Article. If the (governing body) shall fail to provide such notice, the applicant may do so.

F. Time Limitation

1. If a Conditional Use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the Conditional Use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the (governing body) may at any time, upon application in writing, extend either of these deadlines;

2. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit should be fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the (governing body);

3. Should the appellant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the (governing body) may, upon ten (10) days notice in writing, rescind or revoke the granted Conditional Use, if the (governing body) finds that no good cause appears for the failure to complete within such three (3) year period, and if the (governing body) further finds that conditions have altered or changed in the interval since the granting of the Conditional Use that revocation or rescission of the action is justified; and,

4. As an alternative to the preceding, an applicant can request, as part of the original application before the (governing body) the granting of a timetable associated with the request which would supersede the deadlines imposed in this Article. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the (governing body) must establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.
ARTICLE 4

GENERAL REGULATIONS

Section 400. Application. The regulations contained in this Article shall apply to all uses within (municipality).

Section 401. Access Drive Requirements

A. Access drives are private drives which provide vehicular movement between a street and a tract of land containing any use other than a single-family dwelling unit or a farm. Access drives shall conform with the (municipality) Subdivision and Land Development Ordinance, and the following:

1. Except as specified elsewhere, the number of access drives intersecting with a street shall not exceed two (2) per lot. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.

2. The edge(s) of all access drives shall be set back at least:
   a. One hundred feet (100’) from the intersection of any street right-of-way lines;
   b. One hundred feet (100’) from any other access drive located upon the same lot, measured from cartway edges; and
   c. Fifteen feet (15’) from any side and/or rear property lines; however, this setback requirement can be waived along one property line when a joint parking lot is shared by adjoining uses.

Section 402. Accessory Buildings or Structures

A. An accessory building or structure shall not be erected, set, or placed in the required front yard of any Zoning District, with the exception of security guard stations, and outdoor lighting fixtures.

B. An accessory building or structure may be erected, set, or placed inside rear or side yards provided that:

1. The accessory building or structure shall be no closer than ten feet (10’) to the nearest wall of the principal or main building. Any accessory building or structure erected, set or placed less than ten (10’) feet from the principal or main building shall be attached to the principal or main building and shall be considered as part of that structure.

2. When an accessory building or structure is to be erected, set or placed in a required side or rear yard, the accessory building or structure shall be permitted with a zero setback

3. When an accessory building is erected on a corner lot, the accessory building shall be not less than the required front yard depth from the corner lot line.

4. An attached or detached, carport or garage shall not be permitted within a required side yard setback area.

C. An accessory building or structure shall be included in the lot coverage.

D. All accessory buildings and structures shall be erected, set or placed in accord with adopted Building Codes.
E. The use of non-traditional storage units, including those commercially known as “pods” or enclosed “container” of a box trailer with or without wheels, shall be permitted on a temporary basis subject to the following:

1. Units shall be permitted for a maximum period of 60 consecutive days in any one calendar year. This period may be extended upon written request to the Zoning Officer for a period not exceeding 180 days.

2. The enclosed “container” of a box trailer with wheels may be used for temporary construction storage for the period for which a valid building permit has been issued. Such units shall be licensed and located in accordance with the required accessory use setback of the zoning district in which the property is located.

3. The “container” of a box trailer, with or without wheels, shall not be used for permanent storage in any zoning district.

F. The only overnight parking of trucks and busses that shall be allowed on in a residential zoning district shall be for the maximum of two (2) vehicles, each up to 14,000 pounds aggregate gross vehicle weight, and which shall only be allowed if such vehicle(s) is used by residents of the dwelling to travel to and from work.

G. Neither of the following shall be maintained or repaired on a residential lot:

1. Trucks with an aggregate gross weight of over 14,000 pounds;

2. Vehicles not owned or leased by a resident of the lot.

Section 403. Antenna, Standard (includes amateur radio antenna)

A. No standard antenna, including its supporting structure, shall have a total height exceeding fifteen feet (15’) above the top of the principal building on the lot, except that an amateur radio antenna may have a maximum height above the average surrounding ground level of seventy feet (70’).

B. An antenna shall be properly anchored to resist high winds.

Section 404. Bus Shelters

A. A bus shelter shall be allowed in all zoning district to provide refuge for mass transit riders from adverse weather conditions.

B. Only the following signs shall be permitted:

1. One two-sided sign with a maximum sign area of 8 square feet, which shall only be internally illuminated in the (C-2), (I-1) or (I-2) Zoning Districts.

2. Non-illuminated signs identifying the name of the transit provider, route schedules and maps.

3. In the (C-2) Zoning district a 30 square foot, internally illuminated sign shall be permitted if it is located outside of the public street right-of-way and if the sign is not within 150 feet of a residential district. A 30 square foot, internally illuminated sign may also be permitted in other locations if (conditional use or special exception) approval is obtained, with the sole standard for approval being whether the applicant has proved that the sign would be compatible with the adjacent uses.
C. It shall be proved to the Zoning Officer that the location of a bus shelter shall not interfere with pedestrian traffic along a sidewalk and that a bus shelter is not located within a clear-sight triangle.

D. It shall be proved to the Zoning Officer that there is a legally binding commitment by a responsible entity to properly maintain the bus shelter and to remove the shelter if it is not needed in the future or if it falls into disrepair.

E. Shelters shall be durably constructed and have a roof. For security and safety purposes, the majority of the side and rear walls of the shelter shall be conducted of a clear, shatter resistant material.

F. any light bulbs or lighting elements shall not be directly visible from outside the shelter. Glare shall not be created.

G. A bus shelter shall not abut a single-family dwelling.

Section 405. Buffer Regulations

A. Any non-residential zone (C-1, C-2, I-1, I-2) or mixed use zone with a non-residential use (VMU, INS) adjoining land within a (C), (A), (R-1), (R-2), (R-3), or (VMU) zoning district shall meet the following buffer yard type and width requirements, unless otherwise stipulated in this Ordinance. The buffer yard shall extend the entire length or width of the property line of the adjoining zone or lot.

<table>
<thead>
<tr>
<th>Buffer Yard Type</th>
<th>Non-Residential or Mixed Use District*</th>
<th>Minimum Buffer Yard Width (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>VMU: Village Mixed Use</td>
<td>15’</td>
</tr>
<tr>
<td></td>
<td>C-1: Neighborhood Commercial</td>
<td>15’</td>
</tr>
<tr>
<td>2</td>
<td>C-2: General Commercial, I-1 Light Industrial; INS Institutional</td>
<td>50’</td>
</tr>
<tr>
<td>3</td>
<td>I-2 Heavy Industrial</td>
<td>100’</td>
</tr>
</tbody>
</table>

*Applies only when the use in the Village Mixed Use District is other than a single family residence

B. Buffer Yard Landscaping minimum shall be as follows:

Buffer Yard Type 1: One shade tree per 50 linear feet of buffer screen  
One evergreen tree per 40 linear feet of buffer screen

Buffer Yard Type 2: One shade tree per 40 linear feet of buffer screen  
One evergreen tree per 30 linear feet of buffer screen  
One deciduous or evergreen shrub per 20 linear feet of buffer screen

Buffer Yard Type 3: One shade tree per 30 linear feet of buffer screen  
One evergreen tree per 10 linear feet of buffer screen  
One deciduous or evergreen shrub per 10 linear feet of buffer screen

C. Any lot used for other than a single-family detached or semi-detached residence in a residential or mixed use zone and abutting an existing or planned single-family detached or semi-detached residence shall meet the requirements for buffer yard type 1, unless otherwise stipulated in this Ordinance.

D. In the (VMU) zoning district, where a lot used for non-residential or multi-family uses abutting another lot of similar use, no buffer yard or screening is required.
E. Buffer Yard Type 2 shall be required within the front setback area of all properties located adjacent to a minor arterial or along a collector roadway, as defined by (municipality) with the exception of those areas located in a Village/Mixed Use District.

F. All buffer yards shall meet the following requirements.

1. No buffer yard or part thereof shall be used for parking, storage, loading and unloading.

2. Buffer yards may coincide within any required building setback requirements.

3. Buffer yards may be crossed by access roads, service drives or easements with a maximum width of thirty-five (35') feet, provided that the centerline of road, drive or easement crosses the lot line and buffer yard at not less than seventy-five (75°) degrees; however, no turning or maneuvering of vehicles shall be permitted in the buffer area.

4. Buffer yards shall extend for the entire width of the property line adjoining the residential property or district.

5. All screening materials and landscaping shall not encroach upon the adjoining property line at full maturity.

G. No buffer yard shall be required for any non-residential use separated from a residential use by a public street.

H. Characteristics of Buffer Yards

1. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display. Signs shall be permitted in a buffer yard fronting a street. Buffer yards shall primarily include evergreen plants, in addition to any required shade trees.

2. As a special exception use, the applicant may prove to the satisfaction of the Zoning Hearing Board that an alternative method of screening will satisfactorily avoid conflicts between uses and provide an attractive appearance. For example, the (governing body) may approve a decorative brick wall to be placed between a loading area and an abutting street.

I. Plant Screen

1. Each buffer yard shall include a planting screen of trees or shrubs extending the length of the lot line.

2. Each planting screen shall meet the following requirements:

   a. Plant materials needed to form the visual screen shall have a minimum height when planted of 3 feet. An initial height of 2 feet may be used where a parking area is intended to be visible from a street for security purposes. The trees may be clustered or spaced unevenly. Where street trees are approved and provided in the right-of-way, or healthy existing trees will be preserved, those trees may serve in place of this tree requirement.

   b. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 5 years a mostly solid year-round visual screen at least 6 feet in height.

   c. The plant screen shall be placed so that the plants will not obstruct a street or sidewalk.

General Regulations
d. The plant visual screen shall be interrupted only at: (a) approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot (b) locations necessary to comply with safe sight distance requirements, and (c) locations needed to meet other specific State, (municipality) and utility requirements.

e. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.

f. Where space allows, evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.

g. The plant screen shall be maintained in a healthy condition. Any landscaping that dies or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of 150 days.

J. Fences

1. Any fence in a buffer yard shall be placed on the inside of any required plant screening.

2. As a condition of any variance or special exception approval, the Zoning Hearing Board may require the installation of a fence in addition to a buffer yard. As a condition of any land development approval the (governing body) may require the installation of a fence in addition to a buffer yard.

Section 406. Clear Sight Triangle

A. In a Clear Sight Triangle no walk, fence, sign or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be maintained or permitted between 3’ and 8’ above the street grade which may cause danger to traffic or a street or public road by obscuring the view.

B. Where two streets intersect, a clear sight triangle shall be required. Each of the two shorter legs of the triangle shall be measured from 30 feet back from the point of intersection of the street cartways (disregarding the curbed radius at the corner). These two legs shall be connected by a third longer leg.

C. See the definition of “Alley”, which is distinguished from a “Street”.

D. Where a street intersects with an alley, a clear sight triangle shall be established with one leg of the triangle 15 feet long along the edge of the right-of-way of the street and one leg of the triangle 10 feet long along the centerline of the alley, with the 2 legs connected by a third longer leg.

E. Where 2 alleys intersect, a clear sight triangle shall be established with each leg of the triangle 10 feet long along the centerline of each alley, and with the 2 legs connected by a third longer leg.

F. Driveways and access drives shall be located and constructed so that a clear-sight triangle, as depicted below, is provided. Two (2) apexes of the triangle shall be located in both directions along the street centerline, seventy five feet (75”) from a point where the centerline of a driveway or access drive and street intersect. The vertex of the triangle shall be located along the centerline of the driveway or access drive, on the site and fifteen feet (15”) from the property / street right-of-way line.
Section 407. Common Open Space Requirements

A. In those instances where common open space is required elsewhere in this Ordinance, or when an applicant proposed the use of common open space, such common open space shall comply with the following:

1. Required common open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

   a. Protection of important natural resources (e.g., productive agricultural soils, streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.)

   b. Protection of important historical sites, archeological sites, or both;

   c. Provisions of usable play and recreation areas that are conveniently accessible to residents within the development and (municipality);

   d. Integration of greenbelts throughout the development that link residences with on-site or adjoining parks, schools, or other similar features;

   e. Be contained on a separate lot having a minimum contiguous lot area of 1 acre, except where part of a condominium development. A minimum width of land of 20 feet shall be maintained between areas to be considered contiguous land.

   f. Meet the following design requirements:

      (1) Maximum impervious coverage: 10%

      (2) Accessory use setbacks: 25’ for front, rear and side yards

      (3) Maximum permitted accessory building height: 20’

   g. Contain accessory structures to support the principal use of the property as common open space. Principal structures, such as dwelling units, shall not be permitted on common open space.

2. An essential element of the use of common open space is a written description and plan for the disposition of the ownership of common open space land designating those areas to be offered for dedication or to be owned by the specific form of organization proposed. The common open space shall be accomplished through one of the following:

   a. An offer of dedication to (municipality). (Municipality) shall not be obligated to accept dedication of the common open space.

   b. With the permission of (municipality), and with appropriate deed restrictions in favor of (municipality) and in language acceptable to the (municipality) Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization, among whose purposes is the preservation of common open space land, natural resources, or both. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provisions for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with (municipality).
c. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owner’s associations found in the Pennsylvania Uniform Condominium Act. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the (municipality) Solicitor:

1. Such organization shall not dispose of the common open space by sale or otherwise, except to (municipality), unless (municipality) has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Ordinance.

2. The organization and all lot owners shall enter into a maintenance agreement with (municipality) and shall agree to be bound by the provisions of the Pennsylvania Municipalities Planning code relating to the maintenance of deteriorating common open space by municipalities.

3. (Municipality) may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.

Section 408. Compost

The placement of compost as an accessory residential use is permitted, subject to all accessory use setbacks. Only waste materials from the residential site shall be deposited within the compost, and in no case shall meat, or meat by-products, dairy products or bones be composted. All compost shall be properly maintained so as not to become a nuisance to nearby properties.

Section 409. Driveway Requirements

A. Driveways shall include private drives serving individual farms and single-family dwellings, as well as shared driveways serving two dwellings. Driveways shall meet the following standards:

1. No more than two (2) driveway connections per lot shall be permitted.

2. Driveways and parking areas shall not be less than forty feet (40’) from the edge of the cartway of any street intersection, nor less than five feet (5’) from a fire hydrant, nor less than five feet (5’) from adjoining lot lines, unless a shared driveway is proposed.

3. A driveway shall not exceed a slope of eight percent (8%) within twenty-five feet of the street right-of-way lines no fifteen percent (15%) overall.

4. No driveway shall provide a curb cut exceeding twenty feet (20’) in width. On uncurbed streets a radius of no less than five feet (5’) and no greater than fifteen feet (15’) is permitted on both sides of the driveway in addition to the twenty foot (20’) driveway width.

5. Any driveway intersecting with a State-owned road shall require the obtainment of a Highway Occupancy Permit from the Pennsylvania Department of Transportation.

6. Driveways shall not interfere with normal traffic movement nor be constructed in a manner to be inconsistent with the design, maintenance and drainage of the street. When required to maintain drainage, a pipe no less than fifteen inches (15”) in diameter shall be installed.

7. A driveway location shall be delineated on all plans / permits, as applicable.
8. Shared driveways may be used to provide required vehicular access between two (2) single-family detached dwellings and a street. Shared driveways shall not exceed one thousand feet (1,000') in length.

9. Driveways shall be located so as to provide adequate sight distance at intersections with streets. Such sight distances shall be as specified in the (municipality) Subdivision and Land Development Ordinance, but no less than a minimum of two hundred feet (200’) in each directions.

Section 410. Dumpster Screening and Location

A. Solid waste dumpster shall be screened on all sides. Such screening shall consist of decorative masonry walls, solid weather-resistant wood fencing of a similar appearance (such as white vinyl vertical planks). Primarily evergreen plantings are also encouraged in addition to the fence or wall. The fence or wall shall include a self-latching door or gate.

B. Setback from Dwellings. An outdoor solid waste container with a capacity of over 25 cubic feet shall be kept the maximum distance that is feasible from any abutting dwelling, provided that the container is not in the minimum front yard setback area. In any case, an outdoor solid waste container shall be kept a minimum of 15 feet from an abutting dwelling. A solid waste dumpster shall not be located in a front, side or rear setback yard or a required buffer yard.

C. All waste containers shall be completely enclosed, and the lid shall be kept in place. The locations of all dumpsters shall be shown on all site plans and land development plans submitted to (municipality).

D. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises, or for recycling containers that do not involve garbage.

Section 411. Fences and Walls

A. Fences and walls shall be permitted by right in all Zoning Districts. Any fence or wall shall be durably constructed and well-maintained. Fences or walls that have deteriorated shall be replaced or removed.

B. No fence, wall or hedge shall obstruct the clear-sight triangle requirements of this Ordinance.

C. No fence, wall, or structure shall be permitted or erected in a public or private drainage, utility or access easement, unless otherwise required by this Ordinance or other (municipality) ordinance. Any such fence erected in violation of this section shall be removed or relocated at the owner’s expense.

D. It shall be unlawful to construct or alter any fence or wall over three feet (3’) high without first having secured a building permit. Fences and walls less than two (2’) feet high shall be considered ornamental and shall not require a permit. It shall be unlawful to vary materially from the approved submitted plans and specifications unless such variations are submitted in an amended application to the Zoning Officer or other designated municipal official and approved by this official.

E. Fences shall comply with the following:

1. Any fence located in the required front yard in a residential district shall:
   a. be an open-type of fence (such as picket, metal post, wrought iron or split rail) with a minimum ration of 1:1 of open structural areas.
   b. not exceed thirty-eight inches (38”) in height.
c. not be constructed of chain link metal. Fences are encouraged to be constructed using weather resistant wood, vinyl materials that resemble wood, or vinyl materials that resemble historic style metal post fences.

2. In a residential district on a corner lot at the intersection of two (2) streets, the maximum height of a fence shall be thirty-eight inches (38”) along the street from which the residence takes its address; the maximum in other yards shall be six feet (6’), all subject to (B) above.

3. Brick may be used for posts or as a base for a fence, provided the maximum fence height is not exceeded.

4. A fence shall not be required to comply with minimum setbacks for accessory structures.

5. Fences that are not within a residential district shall have a maximum height of eight feet (8’), subject to (B) above.

6. A maximum height of twelve feet (12’) shall be permitted where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard, such as around an electric substation.

7. Structural posts of a fence may extend above the height of the fence.

8. All fence heights shall be measured from the average surrounding ground level.

9. No fence shall be built within an existing street right-of-way.

10. A fence may be built without a setback from a lot line, however a small setback is recommended to provide future maintenance of the fence.

11. Barbed wire shall not be used as part of fences around dwellings.

12. No fence shall be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.

13. If one side of a fence includes posts or supports, those posts or supports shall be placed on the interior of the fence, as opposed to facing onto a street or another lot.

14. If a fence is finished only on one side, the finished side shall face outward away from the lot or parcel upon which it is located.

F. Walls shall comply with the following:

1. Engineered retaining walls necessary to hold back slopes are exempted from the regulations of this Section and are permitted by right as needed in all zoning districts.

2. Walls, except a retaining wall, in the minimum front yard in a residential district shall have a maximum height of thirty-eight inches (38”). In a residential district on a corner lot at the intersection of two (2) streets, the maximum height of a wall shall be thirty-eight inches (38”) along the street from which the residence takes its address; the maximum in other yards shall be six feet (6’).

3. Walls that are structurally part of a building shall be regulated as part of that building.

4. All wall heights shall be measured from the average surrounding ground level.

Section 412. Frontage onto Improved Streets
A. Frontage Required onto Improved Streets shall comply with the following:

1. Each proposed new lot and principal building shall directly abut one of the following: a) a public street, not including an “alley,” b) a street proposed to be dedicated to (municipality) by the subdivision plan which created such lot, or (c) an existing (at date of adoption of this Ordinance) private street which meets all of the requirements of a public street. Approved access shall be in accordance with the (municipality) Subdivision and Land Development Ordinance.

2. Access to lots containing single-family dwellings shall be via driveways and access to lots containing other uses shall be via access drives.

3. The erection of a principal building on any lot which existed at the time of the enactment of this Ordinance and does not have frontage on a public right-of-way shall be permitted if the applicant provides proof of access to the property in the form of a legal document recorded at the County courthouse. If the existing document does not address access rights and maintenance responsibilities between the landowner and effected parties, or if no such document exists, a new document shall be recorded that does address these issues. In addition, the landowner shall enter into a binding legal agreement with (municipality) prepared by the (municipality) Solicitor outlining the responsibility of each party as it pertains to the private right-of-way.

Section 413. Garage and Yard Sales

A. Within any zoning district, an owner, occupant, or both, may conduct up to two (2) garage or yard sales per year.

B. No garage or yard sale shall be conducted for a period longer than two (2) consecutive days.

C. Sales shall be limited to personal items.

D. Only two (2), six (6) foot square signs shall be permitted advertising the garage or yard sale located upon the premises where the sale occurs, and shall be removed promptly upon the completion of the sale.

E. In no case shall any aspect or the garage or yard sale be conducted in a street right-of-way, except that parking may occur where permitted.

F. The conduct of a garage or yard sale beyond the extent herein represents a commercial business and requires appropriate zoning authorization.

Section 414. Habitable Floor Area

Minimum residential dwelling and room sizes shall be in accordance with the 2003 International Property Maintenance Code.

Section 415. Height Regulations

1. The height of any building may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard regulation for the district in which the building is located.

2. Height regulations shall not apply to barns intended for farming operations, skylights, steeples of houses of worship, antennas, spires, belfries, windmills, cupolas, penthouses, or domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, silos, clock or bell towers, elevator shafts, mechanical equipment or other
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appurtenances usually required to be and customarily placed above roof level and not intended for human occupancy.

3. No building shall be hereafter erected less than one (1) story in height

Section 416. Landscaping

A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

B. Parking Area Trees

1. One deciduous tree shall be required for every 10 new off-street parking spaces.

2. If a lot will include 8 or more new parking spaces, landscaped areas shall be provided within the parking area. Otherwise, the trees may be planted around the parking area. No more than 20 off-street parking spaces shall be located in one contiguous cluster without being separated from other spaces by landscaping.

3. Trees required by this section shall meet the following standards:
   a. The trunk caliper (measured at a height of 6 inches (6”) above the finished grade level) shall be a minimum of 2 inches or greater.
   b. Planting and Maintenance. Required trees shall be:
      (1) Planted with adequate unpaved surface around each for water and air, and
      (2) Properly protected by curbs, curb stops, distance or other devices from damage from vehicles.
   c. Trees shall be free of insect pests and diseases.
   d. Trees shall be maintained in a healthy condition. Any tree which dies or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of 150 days.

C. Street Trees. As part of the construction of any new street or any new principal non-residential building or any new apartment building, street trees shall be required to be planted. An average of one street tree shall be planted for every 50 feet of street length. The street trees do not need to be planted at specific intervals, but may be moved to fit with utilities, driveways and other features.

1. The locations of the trees may or may not be within the street right-of-way, depending upon the circumstances of the site. If the trees are not located in the right-of-way, they shall be placed within the yard immediately adjacent to the right-of-way.

2. New street trees shall not be required where existing healthy street trees will be preserved and will serve the same purpose.

D. Landscaping Maintenance. All trees buffer yard and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner as soon as is practical considering growing seasons, within a maximum of 150 days.

General Regulations

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Section 417. Manure Storage Facilities

1. All manure management practices and operations shall comply with the provisions set forth in the Nutrient Management Act of 1993, Act 38 of 2005, or as amended.

2. All waste storage facilities shall be designed and constructed in compliance with 25 Pa Code, Chapter 91, Section 91.3.6.a

Section 418. Natural or Man-Made Lakes, Dams, Ponds and Impoundments

A. All lakes, dams, ponds and impoundments shall be permitted in any zone, subject to the (municipality) Subdivision and Land Development Ordinance and all state and/or federal requirements.

B. All ponds constructed within areas subject to livestock shall be enclosed with fencing that prevents livestock from trampling the pond’s shores and polluting the waters.

C. All lakes, dams, ponds and other impoundments shall be regularly maintained to prevent stagnation and to prevent a nuisance to adjacent properties. Floating debris shall be removed from all pipes and spillways. If the ponds, lakes, dams and impoundments have pipes and spillways, they shall be regularly cleaned.

Section 419. Number of Principal Uses and Principal Buildings Per Lot

A. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that every requirement is met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.

   1. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a 2 acre lot area, then the lot shall have a minimum lot area of 2 acres.

   2. The lot may include a condominium form of ownership of individual buildings, with a legally binding property-owner’s association, if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the (municipality) Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

B. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.

   1. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met.

   2. A condominium form of ownership of individual dwelling units, with a legally binding homeowners or other association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by (municipality’s) Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

Section 420. Ornamental Ponds and Wading Pools

A. Ornamental ponds and wading pools shall comply with all accessory use setbacks.

B. All such ponds or pools shall be maintained so as not to pose a nuisance by reason of odor, or the harboring of insect, vermin, or both.
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C. No such pond shall be used for the commercial hatching of fish or other species.

Section 421. Parking and Storage of Unlicensed or Uninspected Motor Vehicles

A. Motor vehicles without current, valid license plates or inspection stickers which are more than sixty (60) days beyond their expiration dates, shall not be parked or stored in any zone, unless stored within a completely enclosed building or completely covered.

B. The requirements of this section shall not be applicable to farm implements and other farm vehicles not normally used as a means of conveyance on public streets.

C. Nothing in this section shall be interpreted to prevent the unenclosed storage of motor vehicles without current, valid license plates and current valid inspection stickers if such storage is performed in conjunction with the legal operation of a motor vehicle sales establishment, a motor vehicle service or repair establishment, or a junkyard.

Section 422. Performance Standards for all Uses

All uses shall be subject to and comply with the following regulations, or as amended, where applicable.

A. Noise Pollution and Vibration: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection.

B. Air Pollution. Airborne Emissions and Odor: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection.


D. Mine Reclamation and Open Pit Setback: Pennsylvania Act 147, the “Surface Mining Conservation and Reclamation Act” of 1971, or as amended.

E. Glare and Heat: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection.

F. No use or operations shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause.

G. Outdoor Lighting: Where light fixtures are installed to provide exterior illumination, excluding overhead street lighting and warning, emergency, or traffic signals, the following restrictions shall apply. These standards will only apply to non-residential and multi-family uses abutting residential uses.

1. All outdoor lighting, whether or not required by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook.

2. All future amendments to the recommended practices of the IESNA shall be made a part of the Ordinance without further action by the (governing body).

3. Street lighting fixtures, when required for safety considerations, may be controlled by photocells for dusk to dawn operation.

4. The lighting from any luminary shall be shaded, shielded, or directed to prevent direct light from being distributed onto adjacent properties and/or surrounding areas. Unshielded lighting is not permitted, except for temporary holiday lighting.
5. Lighting shall be designed so that glare or direct illumination does not exceed one (1') foot candle beyond the property line on which the lighting originates.

6. Lighting on private, residential, commercial, industrial, municipal, recreational or institutional property; shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare).

7. Pole-mounted lamps shall be placed directly above the area to be illuminated and shielded at the top and sides; or positioned near the perimeter of a property and aimed toward the area requiring illumination, subject to applicable yard setback provisions.

8. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of mounting height, wattage, aiming angle, fixture placement, etc.

9. The installation or erection of any lighting, which may be confused with warning signals, emergency signals, or traffic signals, shall not be permitted.

10. Lighting of parking lots shall be in accordance with this Ordinance.

11. Maintenance: Lighting fixtures shall be maintained so as to always meet the requirements of this Ordinance.

12. Nonconforming Lighting: Any lighting fixture existing on the effective date of this Ordinance which does not conform with the requirements of this Ordinance shall be considered a lawful, nonconforming lighting fixture. A nonconforming lighting fixture shall be made to comply with the requirements of this Ordinance when such fixture is replaced or relocated.

Section 423. Pets, Keeping Of

A. Keeping of pets is permitted by right accessory use in all zoning districts.

B. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or order), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district.

C. It shall be unlawful on a residential property to maintain any “exotic wildlife” as defined by the Pennsylvania Game & Wildlife Code, whether or not an exotic wildlife possession permit has been issued.

Section 424. Prohibited Uses

The following uses are prohibited in all districts within municipality).

A. The incineration, reduction or storage of offal, animals, fish, or refuse, unless by the authority of or under the supervision of (name of municipality).

B. The incineration or reduction of garbage and grass clippings.

C. Dumps and dumping of any kind, other than solid waste landfill and composting, unless by the authority of or under the supervision of (municipality).
Section 425. Recreation Courts, Rinks and other Athletic Facilities

A. All recreation courts, rinks, and other athletic facilities shall be arranged or fenced so as to prevent safety hazards upon nearby roads, properties or both. All recreation courts, rinks and other athletic facilities, excluding fences, shall be set back at least twenty (20) feet from any adjoining lot lines and shall include an open mesh permanent fence ten feet (10’) in height behind each baseline. Such fence shall extend parallel to said baseline at least ten feet (10’) beyond the playing surface unless the entire facility is enclosed. Any lighting fixtures shall be arranged so as not to cast directly on adjoining property, roads, or both.

Section 426. Repair of Personal Motor Vehicles

The routine maintenance, repair and servicing of personal motor vehicles, including go-carts and racing vehicles, owned or leased by the person performing such services when performed outside of a building within the (C), (A), (R-1), (R-2), (R-3), and (VMU) zones, is permitted by an occupant of the residence, subject to the following:

A. All vehicles shall be maintained with proper licensure.

B. All work shall be performed on the vehicle owner’s or lessee’s property of residence.

C. Work shall be limited to the following:

1. Servicing and replacement of spark plugs, batteries, distributors and distributor parts;

2. Repair and replacement of tires and wheels, excluding recapping or regrooving;

3. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors and engine coolants;

4. Repair and replacement of car radios, CD players, amplifiers, speakers, and similar electronic devices;

5. Cleaning and flushing of radiators only when flushed into water-tight container’

6. Repair and replacement of fuel pump and line repairs;

7. Minor servicing and adjustments;

8. Minor motor adjustments, not involving the removal of the motor head or crankcase, nor the prolonged revving of the motor;

9. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating;

10. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, ribbing, polishing, waxing, and the application of paint sealants.

D. All by-products or waste fuels, lubricants, chemicals, and other products shall be properly disposed of.

E. No vehicle shall be stored in a “jacked-up” position or on blocks for more than 72 consecutive hours, unless completely covered.

F. All exterior work shall be performed during daylight hours.
Section 427. Sale of Personal Vehicles

A. In any zone, a landowner or occupant may display a maximum of two (2) personal passenger or recreational vehicles titled to the land owner or occupant for sale at any time. Such displays shall be for a maximum of sixty (60) days not more than twice a calendar year. Two signs a maximum of six (6) square feet each may be displayed per vehicle. All vehicle sale activities shall be in accordance with applicable state regulations.

Section 428. Satellite Dish Antennas

A. Satellite dish antennas are subject to all accessory use standards.

B. Any satellite dish antenna located within the (C), (A), (R-1), (R-2), (R-3) zoning districts shall be used only to receive signals, not to transit them.

C. All ground-mounted satellite dishes located within the (VMU), (C-1), (C-2), (I-1) and (I-2) zoning districts shall be completely enclosed by an eight foot (8’) high, non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended.

Section 429. Seasonal Sidewalk Displays

A. Seasonal sidewalk displays shall comply with the following provisions:

1. The location of outdoor seasonal sidewalk displays shall be limited to sidewalks, under canopies, or other areas immediately in front of the building’s store front. The stacking and/or display of such items shall be arranged to provide clear pedestrian access (sidewalk or other area) at least eight feet (8’) wide.

2. In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, loading nor emergency vehicle access (e.g., fire lanes);

3. In no case shall such sidewalk display area exceed fifty percent (50%) of the lineal store-front dimension;

4. No signage, except as authorized by this Ordinance, shall be permitted; and

5. Intended sidewalk display areas shall be located upon any permits and/or plans required by (municipality).

Section 430. Shopping Cart Storage

A. For grocery stores, other stores containing grocery department store, variety stores, or home improvement and building supply stores, the outdoor collection of shopping carts is permitted under the following conditions:

1. Shopping carts may be collected and stored immediately in front of the store front (upon sidewalks, or under a canopy) and/or within a parking lot;

2. In no case shall such designed shopping cart storage and collection areas be located upon any facilities used for vehicle circulation, parking, loading, nor emergency vehicle access (e.g., fire lanes);

3. Such shopping cart storage and collection areas shall be situated so as to provide clear pedestrian access (sidewalk or other area) at least eight feet (8’) wide adjoining the store front;
4. Signage for such shopping cart storage and collection areas shall be governed by those regulations pertaining to on-site directional and informational signs as regulated by this Zoning Ordinance.

5. Intended shopping cart storage and collection areas shall be depicted upon any permits and/or plans required by (municipality).

Section 431. Stockpiling, Outdoor

In all zones, no outdoor stockpiling of any personal material is permitted in the front yard. In any residential zoning district, the outdoor stockpiling of personal material, except firewood, for more than one (1) year is prohibited.

Section 432. Storage and Display (Outside)

A. Outside storage and display shall not occupy an existing or future street right-of-way, buffer yard, sidewalk or other area intended or designed for pedestrian use, or required parking area.

B. No outside storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodway.

C. Outside storage and display shall be screened in accordance with this Ordinance.

D. Any outside storage of more than fifty (50) used tires shall only be permitted as part of a (municipality) approved junkyard. Any outside storage of tires shall involve stacks with a maximum height of 15 feet and shall cover a maximum of 400 square feet. Each stack of tires shall be located a minimum of seventy five feet (75') from all lot lines.

Section 433. Storage, Unenclosed Vehicles

A. Within the (C), (A), (R-1), (R-2), (R-3) and (VMU) zones, the unenclosed storage of recreation vehicles, campers, travel trailers, commercial trucks, boats and trailers is permitted only according to the following requirements:

1. For purposes of this section, recreational vehicles, campers, travel trailers, boats and trailers are divided into two separate categories, as follows:

   a. Class I Vehicles: Recreational vehicles, campers, travel trailers, boats and trailers used solely for the transport of residents’ recreational vehicle(s) that possess no more than two hundred (200) square feet, as measured to the vehicle’s outermost edges, nor exceeding a height of ten feet (10’), as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigging fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console

   b. Class II Vehicles: Those recreational vehicles, campers, travel trailers, boats and trailers used solely for the transport of residents’ recreational vehicle(s) that possess more than two hundred (200) square feet, as measured to the vehicle’s outermost edges, nor exceeding a height of ten feet (10’), as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigging fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console

2. The temporary parking of one Class I or Class II vehicle for a period not to exceed 48 hours is permitted on a paved or gravel surface in any yard, so long as the vehicle is set back no less than ten feet (10’) from any street right-of-way, and five feet (5’) from adjoining property lines.
3. The storage of Class I vehicles registered to the land owner or tenant of a property shall be permitted on the basis of one vehicle per one half (1/2) acre of lot area up to a maximum of five (5) vehicles, so long as the unit is set back no less than ten feet (10’) from any street right-of-way and five feet (5’) from adjoining property lines.

4. The storage of one (1) Class II vehicle is permitted, subject to the following requirements:
   a. All vehicles shall be set back a horizontal distance equal to the underlying zoning district’s principal use setbacks.
   b. No vehicle shall be stored in front of the building setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line, as specified for principal uses.
   c. Solid screening shall be provided along any side or rear lot lines. Such screening shall not be required along a common side lot line when the owner resides on one lot, and stores a vehicle on an adjacent vacant lot that he/she owns. One ten foot (10’) wide break in required screening may be provided along one (1) rear or side lot line for vehicle access onto an adjoining alley.
   d. All areas used for storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and shall prevent the leakage of fuels, lubricant, or both, onto the ground.

5. The storage or parking of one (1) commercial truck upon any residential lot is permitted. For the purpose of this section, commercial trucks shall include those that do not exceed a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds.

6. The parking or storage of any trailer other than those accessory to a principal residential use is prohibited.

Section 434. Storage, Temporary

A. The temporary storage of portable dumpsters and bulk materials, including, but not limited to stone, mulch, firewood, and building materials within the public right-of-way shall be permitted for a period not to exceed 48 hours.

Section 435. Storage, Unenclosed

A. Outdoor Stockpiling:
   1. In all zones, no outdoor stockpiling of any material shall be permitted in the required front yard.
   2. In any residential zone, the outdoor stockpiling of materials (except firewood) for more than one (1) year is prohibited.

Section 436. Swimming Pools

A. Every outdoor swimming pool, excluding kiddie pool, must conform to all applicable municipal and state codes and shall be subject to the following regulations.
   1. No swimming pool shall be constructed in the required front yard.
   2. Swimming pool setback shall be a minimum of ten (10’) feet from the property line to waters edge and seven (7’) feet from impervious surface or support structure to property line.
3. Water may not be discharged from a swimming pool directly onto adjacent properties or rights-of-way.

4. Pools shall not be located over an on-lot septic system drain field or drainage, utility, or access easement.

5. No permanent pool structure shall be permitted without an operable filtration system, bromine or some other antibacterial agent.

6. All swimming pools shall be completely enclosed with fencing at least four feet (4') in height. Such fence or wall shall be erected before any pool is filled with water.

Section 437. Waste and Sewage Disposal

All methods and plans for the on-lot disposal of sewage or wastes shall be designed in accordance with all applicable regulations pertaining to the treatment and disposal of sewage and wastes. A certificate or statement of adequacy from the Municipal Sewage Enforcement Officer or the Pennsylvania Department of Environmental Protection as applicable shall be prerequisite to the issuance of a building permit.

Section 438. Waste Handling Requirements

A. All commercial, industrial and health-care related uses shall be required to provide detailed information regarding materials and waste handling, including:

1. Listing of all materials to be both used or produced on the site;

2. Listing of all wastes generated on the site; and

3. Evidence shall be provided indicating that the disposal of all materials and wastes shall be accomplished in a manner that complies with state and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within the County which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either by type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

Section 439. Yard Adjustment Regulations

A. Yards shall be provided in accordance with the provisions of this Ordinance and shall be planted with grass, seed, sod, ground cover, mulch or other pervious decorative or vegetative cover excepting in cases where walks, access drives, off-street parking lots, patios and other types of surfaces are permitted by this Ordinance.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.

2. Emergency Access. All principal buildings shall have adequate provisions for access by emergency vehicles and fire ladders in order to reach all sides of a building.
3. Where the street or streets (or private road) right-of-way upon which the lot abuts is less than fifty (50’) feet in width, the required front yard shall be measured from a line parallel to and twenty-five (25’) feet from the center line of the street (or private road).

B. Front Yards

1. Each lot shall have a front yard building setback as required in the district in which the lot is located.

2. On corner or double frontage lots each side of a lot having a street frontage shall meet the required front yard setback and shall be subject to all front yard requirements of this Ordinance.

3. Front Yard Setback Exception. In any district within a block containing a lot proposed for construction or expansion of a building, where 50 percent or more of the improved lots on such block frontage on one side of a street currently have front yards of less depth than is currently required for that district, and where the clear majority of such lots are already developed, the average of such existing front setbacks shall establish the minimum front yard depth for the remainder of the frontage.

4. On a corner lot in any Residential District, an accessory building shall not be erected within the required front yard setback of either street, except where completely screened by a solid six foot (6’) high fence or wall.

C. Side Yards

1. On a lot, in a district where residential structures are permitted, held in single and separate ownership at the effective date of this Ordinance, with a lot width less than required for the zone district, side yards shall be provided according to the following requirements:

   (a) On interior lots with a width of fifty (50’) feet or more, two (2) side yards shall be provided as required by the district regulations.

   (b) On lots less than fifty (50’) feet but not less than twenty-five (25’) in width, two (2) side yards shall be provided, each equaling twenty (20%) percent of the lot width.

   (c) On a lot, in a commercial or industrial district, held in single and separate ownership at the effective date of this Ordinance, with a lot width less than required for the zoning district, the required side yards shall be determined by the Zoning Hearing Board upon application for a variance.

   (d) The minimum residential driveway setback shall be three feet (3’) from the side lot line with the exception of shared driveways for single-family semi-detached units or single-family attached units in which case the driveway may extend over the common property line of the attached or semi-attached units. A maintenance agreement shall be required between property owners for the shared driveway.

   (e) Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into any required yard.

   (f) A detached or attached garage or carport shall not be permitted within a required side yard setback.
D. Rear Yards

1. Notwithstanding other regulations herein, no rear yard shall be reduced to less than fifteen (15’) feet; therefore, no principal building shall be constructed less than fifteen (15’) feet from the rear property line.

2. Where an accessory building or structure is to be erected, set or placed in a required rear yard setback area, the accessory building or structure shall be located not less than five feet (5’) from the rear lot line for a permanent (more than 1 year) structure or 3 feet for a temporary building or structure.

E. Interior Yards

1. Open space between principal buildings of a dwelling group on a lot in single ownership shall be provided as follows, unless otherwise stipulated in this Ordinance for specific uses.

2. When parallel or obliquely aligned, buildings shall have fifty (50’) feet between front or rear faces for one story in height, plus five (5’) feet for each additional story.

3. Between end walls of buildings, a yard space of twenty-five (25’) feet for each one-story building plus five (5’) feet for each additional story shall be required.

4. Between end walls and front or rear faces of buildings thirty (30’) feet for one story, plus five (5’) feet for each additional story shall be required.

5. When two (2) adjacent buildings differ in the number of stories, the spacing shall be not less than one-half of the sum of the required distance between two (2) buildings of lower height, plus that between two buildings of the greater height.

6. The minimum distance separating multiple family buildings from non-residential uses shall be not less than seventy-five (75’) feet between buildings.

F. Accessory Buildings

An accessory building may be erected within one of the side yards or within the rear yard provided:

1. Where such side or rear yard is along an alley the accessory building shall be located not less than five (5’) feet from the alley.

2. Where such side or rear yard is adjacent to another lot, the accessory building may be placed on the lot line, however it is recommended that there should be not less than three (3’) feet from any lot line so as to provide maintenance access.

3. When an accessory building is erected on a corner lot, the accessory building shall be not less than the required front yard depth from the corner lot line.

G. Projection in Yards

1. Unenclosed patios, terraces, and porches, 3 feet (3’) or less above ground level may extend into required side and rear setback areas, provided they are setback at least 3 feet (3’) from a side or rear property line.

2. Cornices, eaves, sills or other similar architectural features, gutters, bay windows, chimneys, or similar structures, may project into the front, rear or side yard of a lot, not more than eighteen (18) inches.
3. Exterior stairways, fire escapes or other required means of egress, ground-mounted doors for basement access, window awnings, chase for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard, except as may be required within a drainage or utility easement.

4. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into any yard.

5. Walks, and window wells, and such other structures customarily incidental to the main building may project into the front, side or rear yards of a lot providing the structure elevation shall be not more than twelve (12’) inches above the yard grade.

6. Handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area. Handicapped ramps serving an existing building may extend into a street right-of-way where necessary, if granted written approval by the Zoning Officer.

7. Fences and walls may be erected, altered and maintained with the required yard setbacks, provided that any such fence or wall in the front yard shall not exceed thirty-eight inches (38”) in height, and any fence or wall in the required side or rear yard shall not exceed six feet (6’) in height in residential districts and eight feet (8’) in height in non-residential districts.
ARTICLE 5
NONCONFORMING LOTS, USES AND BUILDINGS

Section 500. Continuation of Nonconforming Uses and Buildings

A. All lawful uses of land, buildings, signs, or other structures existing on the effective date of this ordinance may be continued, altered, restored, reconstructed, sold, or maintained in accordance with the provisions of this Ordinance.

Section 501. Registration

A. Nonconforming uses and structures may be reported to the Zoning Officer by the owner, user, lessor, or lessee, and be registered by the Zoning Officer within one (1) year of the effective date of this Ordinance. The Zoning Office, upon proof of a legal nonconformity, may certify the existence of the nonconforming uses and/or structures.

B. Should a nonconforming use or building not be reported or identified within one (1) year, the owner of the nonconforming use or structure shall have the right to show by a preponderance of the evidence to the Zoning Officer that the use or building was nonconforming upon the effective date of this ordinance.

Section 502. Existing Nonconforming Lots of Record

A. Any nonconforming lot, due to its lot area or dimensions, existing as of the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such lot does not conform to the lot requirements for the district in which it is located.

B. The following requirements apply to the development and use of a nonconforming lot.

1. All the requirements of this Ordinance shall be met with the exception of lot area and lot width.

2. The following requirements shall apply to the development and use of the nonconforming lot:

   a. All the requirements of this Article shall be met with the exception of lot area and lot width. No lot shall be developed unless the following requirements are met:

      (i) Each lot shall have an approved on-lot water and wastewater system or access to public water and public sewer. Additionally, for those lots utilizing on-lot water, the minimum required isolation distance between well and on-lot wastewater system shall be provided.

      (ii) In residential districts, only one single-family dwelling may be erected, and the following minimum side yards shall be provided:

         (aa) Interior lots with a width of 50 feet or more, two side yards shall be provided as required by the zoning district regulations.

         (bb) Corner lots with a width of 50 feet or more, two front yards shall be provided. The front yard opposite the interior side yard may be reduced by the number of feet the lot width is less than the zoning district requires, but may not be reduced to less than the minimum side yard. The side yard shall be provided as required by the zoning district regulations.
Model Zoning Ordinance

(cc) On lots less than 50 feet in width, but not less than 27 feet in width, two side yards shall be provided, each equaling 20% of the lot width.

b. On a lot in a commercial or industrial district, the required side yards shall be determined by the Zoning Hearing board, upon application for a variance based on the same criteria as above for residential structures.

3. Where possible, contiguous nonconforming parcels under common ownership should be combined to create conforming lots.

Section 503. Existing Nonconforming Uses and Buildings

A. Alterations and Reconstruction.

1. Repairs and structural alterations not constituting extensions, expansions or enlargements may be made to a nonconforming building or to a building occupied by a nonconforming use.

2. A nonconforming building which is damaged by fire, an explosion, or a natural disaster, etc, may be rebuilt and used for the same purposes, provided that:
   a. The reconstruction of the building is commenced within 18 months from the date of the destroying of the building and is carried to completion without undue delay, and
   b. The reconstructed building does not exceed in height, area, and volume, the building destroyed.

B. Extensions, Expansions, and Enlargements.

1. Nonconforming uses or buildings occupied or used for residential or non-residential purposes which are nonconforming and otherwise not permitted in the zoning district in which they are located shall be allowed to expand, extend or enlarge. All extensions, expansions and enlargements of lawful nonconforming uses and buildings shall be reviewed by the Zoning Office to determine compliance with the following standards:
   a. Any extension, expansion or enlargement of a nonconforming building or use shall be permitted as long as the maximum building coverage is not exceeded.
   b. Any expansion or enlargement of a nonconforming building shall not exceed 50% of the total gross floor area of the nonconforming building from the time it became nonconforming.
   c. Any extension, expansion or enlargement shall conform to the height, area, yard and coverage regulations of the district in which it is located.
      (i) Extension Along a Nonconforming Setback. If an existing building has a lawfully nonconforming building setback, additions may occur to increase the height above such setback or to extend other portions of the building out to the nonconforming side or rear setback line, provided that:
         (aa) The structure shall not be extended beyond the existing nonconforming setback line
         (bb) No additional nonconformity shall be created
(cc) The new nonconforming extension shall not be greater than 25% of the existing floor area
(dd) All other requirements of this Article are met
(ee) Such addition shall not be permitted for a non-residential building that abuts an existing primarily residential use

d. All required loading and/or parking spaces for any expansion or enlargement shall comply with the requirements of Article ____.
e. Any extension, expansion or enlargement of a nonconforming building or use shall not be permitted to extend into vacant parcels of land adjacent to the parcel containing the nonconforming building or use, where such vacant parcels have been separately recorded or acquired prior to the effective date of this Ordinance.
f. Any expansions or extensions of a nonconforming sign shall comply with all provisions of this Ordinance.
g. The intensity of a nonconforming use (resulting nuisances such as air pollution, noise, glare, vibrations, delivery traffic, hazards, etc) shall not be increased.

Section 504. Change of Use
A. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
B. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification unless in compliance with the rules for such change as outlined by this Article.
C. A nonconforming use may be changed to another nonconforming use only by the granting of a Special Exception by the Zoning Hearing Board in compliance with this Ordinance. Where a Special Exception approval is required, the Zoning Hearing Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
1. Traffic safety and generation (especially truck traffic)
2. Noise, dust, fumes, vapors, gases, odors, glare, vibration, fire, hazardous substances and explosive hazards.
3. Amount and character of outdoor storage
4. Late night and early morning hours of operation if the new use would be close to dwellings
5. Compatibility with the character of surrounding uses.

Section 505. Abandonment and Discontinuance
A. A nonconforming use shall be presumed abandoned when operations associated with the nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date the activity stopped and the use is not actively advertised for sale or lease. Such nonconforming use shall not thereafter be reinstated except in conformance with this Ordinance. A nonconforming building or land, which is actively marketed, but has not been sold or leased, shall not be
considered abandoned. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.

B. Except for in a Mobile Home Park, the removal of a nonconforming mobile home from the site it occupied [and if such site is not leased, actively marketed, or purchased within one (1) year or less] shall constitute abandonment of the site, and any occupation or subsequent use of said site shall conform with the provisions of this ordinance.

C. The removal of a mobile home from a residential lot already occupied by a residential building shall constitute abandonment of the nonconforming use and such use shall not thereafter be permitted. [Exception: mobile homes utilized for temporary housing for farm employees].

D. Mobile Home Parks, trailer camps or trailer parks, which are nonconforming under the terms of this Ordinance shall be operated in accordance with Public Health Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, under the provisions of Act 175 of April 9, 1929, P.L. 177, as amended, and all other applicable laws.
ARTICLE 6

DESIGNATION OF ZONING DISTRICTS, ADOPTION OF ZONING MAP, & PERMITTED USE TABLES

Section: 600. Designation of Districts

For the purpose of this Ordinance, the (Borough / Township) of (municipality) is hereby divided into zoning districts which shall be designated as follows:

Conservation Districts
C Conservation
A Agriculture

Residential Districts
R-1 Low Density Residential
R-2 Medium Density Residential
R-3 High Density Residential

Commercial Districts
C-1 Neighborhood Commercial District
C-2 Highway Commercial District

Mixed Use Districts
VMU Village Mixed Use
INS Institutional District

Industrial Districts
I-1 Light Industrial
I-2 Heavy Industrial

Overlay Districts
SSPD Steep Slope Protection Overlay District
TDR Transfer of Development Rights
PRD Planned Residential District
FP Floodplains Overlay Regulations
RB Riparian Buffer Overlay Regulations
TND Traditional Neighborhood Development Overlay
CSOD Conservation Design Overlay

Section 601. Zoning Map

The locations and boundaries of the above districts are shown upon the map attached to and made a part hereof this Ordinance, which shall be designated “(Municipality) Zoning Map”. This Zoning Map and all notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

Section 602. District Boundaries

The boundaries between districts are shown by District Boundary Lines on the Zoning Map. Where uncertainty exists as to boundaries of any districts shown on the Zoning Map, the following rules shall apply:

A. Where Zoning District boundaries are so indicated as approximately coinciding with the centerlines of streets, highways, railroad lines or streams, or ridge lines, such centerlines shall be construed to be the Zoning District boundaries.
B. Where Zoning District boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be the Zoning District boundaries.

C. Where Zoning District boundaries are so indicated that they are approximately parallel to centerlines of streets and highways, the Zoning District boundaries shall be construed as parallel thereto and at such distances from the centerline as indicated on the Zoning Map.

D. For unsubdivided land or where a Zoning District boundary divides a lot, the location of the Zoning district boundary, unless dimensions are indicated, shall be determined by the use of the scale appearing on the Zoning Map.

Section 603. Interpretation of Boundaries

A. In the case of any uncertainty as to Zoning District boundaries on the Zoning Map, the Zoning Officer shall determine the Zoning District Boundaries, however, the Zoning Officer's determination may be appealed to the Zoning Hearing Board.

Section 604. Application of Regulations

Except as provided herein:

A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformance with the regulations specified for the Zoning District in which it is located; with the exception of existing nonconformities as of the effective date of this Ordinance, which may be altered in compliance with Article 5 of this Ordinance.

Section 605. Use Tables

A. The following tables list the types of uses permitted by this Zoning Ordinance. Uses are divided into those Permitted by Right (zoning decision by Zoning Officer); Permitted by Special Exception (zoning decision by Zoning Hearing Board) and Permitted by Conditional Use (zoning decision by Governing Body). Where it is indicated that uses are permitted by either Special Exception or Conditional Use, it is recommend that the Municipality adopting the Zoning Code pick whichever it deems most appropriate (approval by Governing Body or Board of Zoning Appeals). Uses that are not permitted are designated by “N”. Many of the uses permitted by the above three categories must comply with certain criteria, which are found in Article ___. The Zoning Code section numbers where the criteria are located are noted in the tables.
## TABLE 6-1
### “C” AND “A” ZONING DISTRICTS
#### PERMITTED USES

<table>
<thead>
<tr>
<th>TYPES OF USES</th>
<th>C Conservation</th>
<th>A Agriculture</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. RESIDENTIAL USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast Inns and Homes (Sec. 1811)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Boarding House (Sec. 1813)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Conservation Subdivision (See Article 23)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>ECHO Housing (Sec. 1830)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Family Care Facility (Sec. 1831)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Flag Lot Residence (Sec. 1833)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Group Homes (Sec. 1837)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Permanent Housing for Farm Employees (Sec. 1860)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Temporary Housing for Farm Employees (Sec. 1879)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Single-Family Detached Dwellings (including seasonal use)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Special Occasion Homes (Sec. 1877)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td><strong>B. OTHER USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Operation (Sec. 1803) excluding commercial livestock operations</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Animal Hospital, Veterinary Office and/or Kennel (Sec. 1806)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Aquaculture and Fisheries</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Campground (Sec. 1814)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Cemetery, which Shall Not Include a Crematorium (Sec. 1816)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Commercial Day Care Facility (Sec. 1819)</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Commercial Stockyard, Feedlot and/or Commercial Livestock Operation (Sec. 1821)</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Communication Antennas, Towers and Equipment Transmitting And Receiving Facilities (Sec. 1822)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Confined Livestock Operation (Sec. 1823)</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Contractor’s Office or Shop</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>Forestry (Sec. 1834)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Golf Course (Sec. 1836)</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Historic Structure Conversion (Sec. 1843)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Horticulture</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>House of Worship and Related Uses (Sec. 1847)</td>
<td>SE/C</td>
<td>SE/C</td>
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<tr>
<td>Hunting, Fishing, Boating and Ski Lodges (Sec. 1848)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Natural Areas or Wildlife Refuges</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Plant Nurseries and Greenhouses</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Private Club (Sec. 1863)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Private and Semi-Public Outdoor Recreation Areas (Sec. 1864)</td>
<td>SE/C</td>
<td>SE/C</td>
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<tr>
<td>Public and Non-Profit Parks and Playgrounds (Sec. 1864)</td>
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<td>SE/C</td>
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<tr>
<td>Public Utility Buildings and Structures (Sec. 1865)</td>
<td>SE/C</td>
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<tr>
<td>Quarry (Sec. 1866)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Retail Sale of Agricultural, Nursery and Garden Material (Sec. 1869)</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>Riding Schools and Stables (Sec. 1870)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Sawmill (Sec. 1872)</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>School, Public or Private, Primary or Secondary (Sec. 1873)</td>
<td>SE/C</td>
<td>SE/C</td>
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<tr>
<td>Shotgun, Rifle, Pistol and Archery Ranges: Outdoor (Sec. 1874)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Wind Energy Facilities (Sec. 1882)</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td><strong>C. ACCESSORY USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Farm Operation (Sec. 1801)</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Beekeeping (Sec. 1812)</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Carpentry</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Child Care, in Home (Sec. 1817)</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Child Care for Permitted Use</td>
<td>P</td>
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<tr>
<td>Home Occupation (Sec. 1845)</td>
<td>SE/C</td>
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<tr>
<td>Manure Storage Facilities for a Farm (Sec. 1851)</td>
<td>P</td>
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<tr>
<td>No Impact Home Based Business (Sec. 1851)</td>
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<tr>
<td>Non-Commercial Keeping of Livestock (Sec. 1857)</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Roadside Stand for the Sale of Agricultural Products Grown On Site (Sec. 1871)</td>
<td>P</td>
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</tr>
<tr>
<td>Small Engine Repair and/or Welding Shop</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

- **P** Permitted by Right (zoning decision by Zoning Officer)
- **SE** Special Exception Use (zoning decision by Zoning Hearing Board)
- **C** Conditional Use (zoning decision by Governing Body)
- **N** Not Permitted

Designation of Zoning Districts, Adoption of Zoning Map & Permitted Use Tables
TABLE 6-2
“R-1”, “R-2” & “R-3” ZONING DISTRICTS
PERMITTED USES

<table>
<thead>
<tr>
<th>TYPES OF USES</th>
<th>ZONING DISTRICTS</th>
<th>R-1 Low-Density Residential</th>
<th>R-2 Medium Density Residential</th>
<th>R-3 High Density Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. RESIDENTIAL USES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apartments</td>
<td>N</td>
<td>N</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast Homes and Inns (Sec. 1811)</td>
<td>SE/C</td>
<td>SE/C</td>
<td>SE/C</td>
<td></td>
</tr>
<tr>
<td>Boarding House (Sec. 1813)</td>
<td>SE/C</td>
<td>SE/C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Cluster Development (Sec. 1818)</td>
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<td>SE/C</td>
<td>SE/C</td>
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<tr>
<td>Conservation Subdivision (See Article 25)</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>Continuing Care Retirement Facility (Sec. 1824)</td>
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<tr>
<td>ECHO Housing (Sec. 1830)</td>
<td>SE/C</td>
<td>SE/C</td>
<td>SE/C</td>
<td></td>
</tr>
<tr>
<td>Family Care Facility (Sec. 1831)</td>
<td>SE/C</td>
<td>SE/C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Flag Lot Residence (Sec. 1833)</td>
<td>SE/C</td>
<td>SE/C</td>
<td>SE/C</td>
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<tr>
<td>Group Home (Sec. 1837)</td>
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<td>P</td>
<td>P</td>
<td></td>
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<tr>
<td>Group Quarters (Sec. 1838)</td>
<td>N</td>
<td>N</td>
<td>SE/C</td>
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<tr>
<td>Half-Way House (Sec. 1839)</td>
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<td>Single-Family Semi-Detached Dwelling</td>
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<td>C. ACCESSORY USES</td>
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<td>Child Care for Permitted Use</td>
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<td>Child Care, In Home (Sec. 1817)</td>
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<td>Home Occupation (Sec. 1845)</td>
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<tr>
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- P  Permitted by Right (zoning decision by Zoning Officer)
- SE  Special Exception Use (zoning decision by Zoning Hearing Board)
- C  Conditional Use (zoning decision by Governing Body)
- N  Not Permitted
### TABLE 6-3
“VMU”, “C-1” & “C-2” ZONING DISTRICTS
PERMITTED USES

<table>
<thead>
<tr>
<th>TYPES OF USES</th>
<th>VMU Village / Mixed Use</th>
<th>C-1 Neighborhood Commercial</th>
<th>C-2 General Commercial</th>
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<td>A. RESIDENTIAL USES</td>
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<td>Apartments</td>
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<td>Boarding House (Sec. 1813)</td>
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<td>Continuing Care Retirement Facility (Sec. 1824)</td>
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<td>ECHO Housing (Sec. 1830)</td>
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<td>Family Care Facility (Sec. 1831)</td>
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<td>Flag Lot Residence (Sec. 1833)</td>
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<td>Group Home (Sec. 1837)</td>
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<td>Group Quarters (Sec. 1838)</td>
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<td>Long Term Care Nursing Home or Personal Care Facility (Sec. 1850)</td>
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<td>P</td>
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<tr>
<td>Single Family Attached Dwelling</td>
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<tr>
<td>Single-Family Semi-Detached Dwelling</td>
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<td>Townhouses</td>
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<td>Two-Family Detached Dwelling</td>
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<td>B. NON-RESIDENTIAL USES</td>
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<tr>
<td>Adult Day Care</td>
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<td>Airport or Heliport (Sec. 1804)</td>
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<td>Amusement Arcade</td>
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<td>Animal Hospital, Veterinary Office or Kennel (Sec. 1806)</td>
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<td>Auction House</td>
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<td>Automobile Service Station (Sec. 1810)</td>
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<td>Car Wash (Sec. 1815)</td>
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<td>Cemetery, Including Crematorium (Sec. 1816)</td>
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<td>Commercial Day Care (Sec. 1819)</td>
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<td>Commercial Recreation and Entertainment Facility, Excluding Adult Related Uses (Sec. 1820)</td>
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<td>Conference Center</td>
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<td>Contractor’s Office or Shop</td>
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<td>Crafts or Artisan’s Studio</td>
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<td>Cultural Center</td>
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<td>Financial Institution, with drive thru facilities (Sec. 1828)</td>
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<td>Fitness Center</td>
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<td>Florist</td>
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<td>Forestry (Sec. 1834)</td>
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<td>Funeral Home, Mortuary, and/or Crematorium (Sec. 1835)</td>
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<td>Greenhouse, Garden Center or Plant Nursery</td>
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<td>Home Improvement or Building Supply Store (Sec. 1844)</td>
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<tr>
<td>Long Term Care Nursing and Personal Care Facility (Sec. 1850)</td>
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<td>Lumber Yard</td>
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<td>Manufactured/Mobile Home Sales Lot</td>
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## Designation of Zoning Districts, Adoption of Zoning Map & Permitted Use Tables

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<th>Permitting Type</th>
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### Permitted Use

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<td><strong>Medical Laboratory and/or Clinic</strong></td>
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<td><strong>Mini Warehouses (Sec. 1852)</strong></td>
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<tr>
<td><strong>Public and/or Non-Profit Parks and Playgrounds (Sec. 1864)</strong></td>
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<td>SE</td>
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<td><strong>Target Range, Indoor</strong></td>
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<td><strong>Tattoo or Body Piercing Establishment</strong></td>
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<td><strong>Taverns (Sec. 1855)</strong></td>
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### Accessory Uses

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<td><strong>Drive Through Facilities for Permitted Uses (Sec. 1828)</strong></td>
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<tr>
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</tr>
<tr>
<td><strong>Outdoor Cafe (Sec. 1859)</strong></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
## TABLE 6-4

**“INS”, “I-1” & “I-2” ZONING DISTRICTS PERMITTED USES**

<table>
<thead>
<tr>
<th>TYPES OF USES</th>
<th>INS</th>
<th>I-1 Light Industrial</th>
<th>I-2 Heavy Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. RESIDENTIAL USES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apartments</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Bed and Breakfast Homes and Inns (Sec. 1811)</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Boarding House (Sec. 1813)</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Cluster Development (Sec. 1818)</td>
<td>SE/C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Continuing Care Retirement Facility (Sec. 1824)</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>ECHO Housing (Sec. 1830)</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Family Care Facility (Sec. 1831)</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Flag Lot Residence (Sec. 1833)</td>
<td>SE/C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Group Home (Sec. 1837)</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Group Quarters (Sec. 1838)</td>
<td>SE/C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Half-Way House (Sec. 1839)</td>
<td>SE/C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Long Term Care Nursing Home or Personal Care Facility (Sec. 1850)</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Single Family Attached Dwelling</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Single-Family Detached Dwelling</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Single-Family Semi-Detached Dwelling</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Special Occasion Home (Sec. 1877)</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Townhouses</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Two-Family Detached Dwelling</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>B. NON-RESIDENTIAL USES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Related Uses (Sec. 1802)</td>
<td>N</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Airport, Heliport (Sec. 1804)</td>
<td>N</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Alternate Fuel Production</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Assembly or Finishing of Products Using Materials Produced Elsewhere</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Automobile Auction and/or Automobile Parking or Storage Compound (Sec. 1807)</td>
<td>N</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Automobile, Bus, Class I Recreation, Recreation Vehicle, Boat, Motorcycle, and Snowmobile Sales and/or Service (Sec. 1808)</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Automobile Repair Garage</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Building Supplies and Building Materials, Wholesale Sale of</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Cemetery, Excluding a Crematorium (1816)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Cemetery, Including a Crematorium (Sec. 1816)</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Colleges or Universities, Including Dormitories</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Communication and Antenna Towers, Equipment Transmitting &amp; Receiving Facilities (Sec. 1822)</td>
<td>SE/C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Construction Company or Tradeperson’s Headquarters, Including Outside Storage, Provided it Meets the Screening Requirements Of Section</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Cultural Facilities</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Craftsmen’s or Artisan’s Studio</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Distilleries, Breweries, Pickling Process or Sugar Refinery (Sec. 1826)</td>
<td>N</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>Distribution as a Principal Use, Including Package Delivery</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dry Cleaners and/or Laundries (Commercial or Industrial)</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Emergency Medical Treatment Center</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Forestry (Sec. 1834)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Heavy Equipment Sales, Service and/or Repair Facility</td>
<td>N</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>Heavy Industrial Uses</td>
<td>N</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Helistop (Sec. 1842)</td>
<td>N</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Historic Structure Conversion (Sec. 1843)</td>
<td>SE/C</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Hospital (Sec. 1846)</td>
<td>SE/C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>House of Worship and Related Uses (Sec. 1847)</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Industrial Equipment Sales, Repair and Service, Other than Vehicles Intended for Use on a Public Street</td>
<td>N</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>Junkyard (Sec. 1849)</td>
<td>N</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Liquid Fuel Storage, Bulk or Off-Site Distribution, Retail Propane Distribution, other than Pre-Packaged or Fuel Tanks for Company Distribution</td>
<td>N</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>Lumber Yard</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Manufactured / Mobile Home Sales Lot</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Manufacturing and/or Assembly</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Medical Laboratory and/or Clinic</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Mini-Warehouses (Sec. 1852)</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Municipal Owned Uses</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Offices</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Off-Track Betting Parlors (Sec. 1858)</td>
<td>N</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Photo Finishing, Bulk</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Description</td>
<td>P</td>
<td>SE</td>
<td>C</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>---</td>
<td>----</td>
<td>---</td>
</tr>
<tr>
<td>Power Generating Facility (Sec. 1861)</td>
<td>N</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Principal Waste Handling Facility (Sec. 1862)</td>
<td>N</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Printing or Book Binding</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Utility Buildings or Structures</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Quarry (Sec. 1866)</td>
<td>SE/C</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Racetrack (Sec. 1867)</td>
<td>N</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Recycling Center for Paper, Plastic, Glass and/or Metal Products (Sec. 1868)</td>
<td>N</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Research &amp; Development, Engineering or Testing Facility or Lab</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Sawmill (Sec. 1872)</td>
<td>N</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Schools, Public or Private, Primary or Secondary (Sec. 1873)</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Slaughter House, Stockyard or Tannery (Sec. 1875)</td>
<td>N</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Solid Waste Processing and/or Transfer Facility or Waste to Energy Facility (Sec. 1876)</td>
<td>N</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Truck Stops or Motor Freight Terminal (Sec. 1880)</td>
<td>N</td>
<td>N</td>
<td>SE/C</td>
</tr>
<tr>
<td>Vocational School</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Vehicle Body Shop and/or Repair Garage</td>
<td>N</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>Warehouse and/or Wholesale Trade Establishments (Sec. 1881)</td>
<td>N</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Welding Shop</td>
<td>N</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>Wind Energy Facility (Sec. 1882)</td>
<td>N</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>Child Care for Permitted Use</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Child Care, In Home (Sec. 1817)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home Occupation (Sec. 1845)</td>
<td>SE/C</td>
<td>SE/C</td>
<td>SE/C</td>
</tr>
<tr>
<td>No Impact Home Based Business (Sec. 1836)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

**Legend:**
- **P** Permitted by Right (zoning decision by Zoning Officer)
- **SE** Special Exception Use (zoning decision by Zoning Hearing Board)
- **C** Conditional Use (zoning decision by Governing Body)
- **N** Not Permitted
ARTICLE 7

“C” CONSERVATION ZONING DISTRICT

Section 700. Purpose

To protect large concentrations of environmentally sensitive features that also have significant value for passive and active recreational pursuits: specifically, forested areas and steep slopes. Permitted uses within this Zone encourage the most appropriate conservation / recreation activities for these areas. Some forms of development are allowed under prescribed criteria. The provisions of this Zone have been specifically formulated to satisfy Section 604(1) of the Pennsylvania Municipalities Planning Code which requires local zoning ordinances to “promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and preservation of forests”.

Section 701. Permitted Uses by Right

A. See Table 6-1 in Section 605.

Section 702. Uses Permitted by Conditional Use or Special Exception

A. See Table 6-1 in Section 605. Municipalities are given the option in Table 6-1 to choose whether it wants to permit a specific use by either a Conditional Use (approved by the governing body) or a Special Exception (Authorized by Zoning Hearing Board).

Section 703. Area and Design Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width at Lot Frontage</th>
<th>Maximum Permitted Impervious Lot Coverage</th>
<th>Minimum Yard Setbacks</th>
<th>Maximum Permitted Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Front (from ultimate right-of-way)</td>
<td>Side</td>
</tr>
<tr>
<td>Buildings for agriculture, horticulture or forestry related uses</td>
<td>10 acres for uses existing on the effective date of this ordinance; 20 acres for new uses</td>
<td>N/A</td>
<td>10%</td>
<td>10 ft.</td>
<td>25 ft. each</td>
</tr>
<tr>
<td>Single-family detached dwelling and other principal uses</td>
<td>80,000 sq. ft.</td>
<td>150 ft.</td>
<td>30%</td>
<td>10 ft.</td>
<td>40 ft. each</td>
</tr>
<tr>
<td>Public utilities</td>
<td>5,400 sq. ft.</td>
<td>60 ft.</td>
<td>40%</td>
<td>10 ft.</td>
<td>20 ft. each</td>
</tr>
<tr>
<td>Accessory buildings and structures</td>
<td>N/A</td>
<td>N/A</td>
<td>Included in above</td>
<td>Not permitted in required front yard</td>
<td>3 ft.</td>
</tr>
</tbody>
</table>
Section 704. Woodland Preservation Requirements

A. Except where forestry is a permitted use, wooded areas existing on the effective date of this Ordinance containing steep slopes in excess of 15% or greater shall not be removed or clear cut. Limited tree removal shall be permitted for the construction of improvements permitted above or depicted on an approved Subdivision and Land Development Plan. Only those necessary for the construction of buildings, structures, roads, stormwater management facilities and other work authorized under the plan shall be cleared of existing woodland.

B. When required by the Pennsylvania Department of Environmental Protection an Erosion and Sedimentation Pollution Control Plan, in acceptable form, must be approved by (municipality) and by the (County) Conservation District prior to the commencement of logging or the harvesting of forest products on land located in the Conservation District.

C. Grading plans shall conform with the existing grade as much as possible to limit the required amount of earth and tree removal. Alternate grading plans will be required to preserve large stands of existing trees.

D. On any lot containing or intended for a residential use, a minimum of fifty (50) percent of the existing number of trees of a minimum trunk caliper of four (4) inches or more measured forty-eight (48) inches above the ground shall not be removed and shall be protected during construction activities or forestry operations.

E. Vacant lands on which trees have been removed shall have replacement trees planted within one year of tree removal. Replacement trees shall have a minimum caliper of two (2) inches measured at a height of forty-eight (48) inches above the ground. Where a Forest Stewardship Plan or other management plan, prepared by an approved plan preparer, concludes that planting of replacement trees would be harmful to the preservation and long-term health of forested areas, this requirement shall not comply.

F. An applicant shall meet the requirements of Section 1834 for all Forestry Operations.

G. All uses permitted within this Zone shall also comply with the General Provisions contained in Article ___ of this Ordinance.

Section 705. Compliance with General Provisions

All uses shall comply with all applicable General Provisions contained within Article 4 of this Ordinance.
ARTICLE 8
“A” AGRICULTURE ZONING DISTRICT

Section 800. Purpose

The purpose of the Agriculture Zoning District is to permit, protect and encourage the continued use of land for agricultural uses. The intent is to conserve pieces of land large enough to allow for efficient farm operations and associated enterprises, protecting groundwater resources and providing for the conservation of environmentally sensitive areas. Those areas designated Agriculture Zoning are to be used primarily for agriculture purposes and limited residential, non-residential and accessory uses in general conformance with the current (municipality) Comprehensive Plan.

Section 801. Permitted Uses by Right

A. See Table 6-1 in Section 605.

Section 802. Uses Permitted by Conditional Use or Special Exception

A. See Table 6-1 in Section 605. [Municipalities are given the option in Table 6-1 to choose whether it wants to permit a specific use by either a Conditional Use (approved by the governing body) or a Special Exception (Authorized by Zoning Hearing Board).

Section 803. Area and Design Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width at Lot Frontage</th>
<th>Maximum Permitted Impervious Lot Coverage</th>
<th>Minimum Yard Setbacks</th>
<th>Maximum Permitted Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings for agriculture, horticulture, and forestry related uses</td>
<td>10 acres for uses existing on the effective date of this Ordinance; 20 acres for new uses</td>
<td>N/A</td>
<td>10%</td>
<td>60 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>for agriculture, horticulture, and forestry related uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family detached dwellings</td>
<td>See Section for Sliding Scale</td>
<td>150 ft.</td>
<td>30%</td>
<td>75 ft.</td>
<td>75 ft.</td>
</tr>
<tr>
<td>Other principal uses</td>
<td>1 acre</td>
<td>200 ft.</td>
<td>30%</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Public utilities</td>
<td>5,400 sq. ft.</td>
<td>60 ft.</td>
<td>40%</td>
<td>25 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Accessory buildings and structures</td>
<td>N/A</td>
<td>N/A</td>
<td>Included in above</td>
<td>Not permitted in required front yard</td>
<td>3 ft.</td>
</tr>
</tbody>
</table>
Note 1: Setback Reductions in the Agricultural Zone – For all properties in the Agricultural Zone created prior to the enactment of this Ordinance, the required setbacks may be reduced to the setbacks in effect at the time of lot creation, however, no less than the following:

1. Front Yard – 30 feet
2. Rear Yard – 30 feet
3. Side Yard – 10 feet

Section 804. Sliding Scale for Single-Family Detached Dwellings

A. For each tract of contiguous land in single and separate ownership at the effective date of this Ordinance, the maximum number on non-farm single-family detached dwellings shall be according to the following schedule:

<table>
<thead>
<tr>
<th>Lot Area, At Least / Less Than</th>
<th>Number of Single-Family Detached Dwellings Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 5 acres</td>
<td>1</td>
</tr>
<tr>
<td>5 – 15 acres</td>
<td>2</td>
</tr>
<tr>
<td>15 – 30 acres</td>
<td>3</td>
</tr>
<tr>
<td>30 – 60 acres</td>
<td>4</td>
</tr>
<tr>
<td>60 – 90 acres</td>
<td>5</td>
</tr>
<tr>
<td>90 – 120 acres</td>
<td>6</td>
</tr>
<tr>
<td>120 – 150 acres</td>
<td>7</td>
</tr>
<tr>
<td>Over 150 acres</td>
<td>8 plus 1 dwelling for ach 30 acres over 150 acres</td>
</tr>
</tbody>
</table>

B. Regardless of size, no tract of land subsequently subdivided from its parent tract shall qualify for additional single-family detached dwellings or lots pursuant to this Section. Similarly, any subsequent owner of any parcel or land legally existing on the effective date of this Ordinance shall be bound by the actions of previous owners, in that such current owner may only subdivide for the purposes of additional single-family dwellings the number of lots, if any, remaining from the original number permitted by this Section. Any subdivision or land development plan hereafter filed for a tract of land in the Agricultural District shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single family detached dwellings as determined by the provisions of this section.

Section 805. Agricultural Nuisance Disclaimer

All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, “The Right to Farm Law,” may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted with this Zone shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.

Section 806. Vegetation Setback Requirement

On any separate non-farm parcel, any shrub or tree within ten (10’) and twenty feet (20’), respectively, of a property line, must be non-poisonous, and shall not include any of the following:
### POISONOUS PLANTS

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trees</strong></td>
<td></td>
</tr>
<tr>
<td>Acer rubrum</td>
<td>Red Maple</td>
</tr>
<tr>
<td>Aesculus</td>
<td>Horse chestnut/buckeye</td>
</tr>
<tr>
<td>Gymnocladus</td>
<td>Kentucky coffee-tree</td>
</tr>
<tr>
<td>Purnus</td>
<td>Wild Black Cherry/Choke Cherry</td>
</tr>
<tr>
<td>Quercus</td>
<td>Oak</td>
</tr>
<tr>
<td>Robinia</td>
<td>Black Locust</td>
</tr>
</tbody>
</table>

### Ornamental Plants

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Arisaema</strong></td>
<td>Jack-in-the-pulpit</td>
</tr>
<tr>
<td>Buxus</td>
<td>Boxwood</td>
</tr>
<tr>
<td>Celastrus</td>
<td>Bittersweet</td>
</tr>
<tr>
<td>Colchicum</td>
<td>Autumn crocus</td>
</tr>
<tr>
<td>Convallaria</td>
<td>Lily-of-the-valley</td>
</tr>
<tr>
<td>Delphinium</td>
<td>Larkspur/delphinium</td>
</tr>
<tr>
<td>Dicentra</td>
<td>Dutchman’s breeches/Bleeding Heart</td>
</tr>
<tr>
<td>Dieffenbachia</td>
<td>Dieffenbachia</td>
</tr>
<tr>
<td>Digitalis purpurea</td>
<td>Foxglove</td>
</tr>
<tr>
<td>Euonymus</td>
<td>Burning bush</td>
</tr>
<tr>
<td>Hedera</td>
<td>English Ivy</td>
</tr>
<tr>
<td>Helleborus</td>
<td>Winter aconite/Christmas Rose</td>
</tr>
<tr>
<td>Hydrangea</td>
<td>Hydrangea</td>
</tr>
<tr>
<td>Hypericum</td>
<td>St. John’s wort</td>
</tr>
<tr>
<td>Ipomoea</td>
<td>Morning glory</td>
</tr>
<tr>
<td>Iris</td>
<td>Iris</td>
</tr>
<tr>
<td>Kalmia</td>
<td>Mountain laurel</td>
</tr>
<tr>
<td>Lathyrus</td>
<td>Wild pea/flat pea</td>
</tr>
<tr>
<td>Ligustrum Valgare</td>
<td>Privet</td>
</tr>
<tr>
<td>Lobelia</td>
<td>Indian tobacco</td>
</tr>
<tr>
<td>Phoradendron</td>
<td>Mistletoe</td>
</tr>
<tr>
<td>Rheum</td>
<td>Rhubarb</td>
</tr>
<tr>
<td>Rhododendron</td>
<td>Azalea/rhododendron</td>
</tr>
<tr>
<td>Taxus</td>
<td>Yew</td>
</tr>
</tbody>
</table>
### Scientific Name

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Other Plants</strong></td>
<td></td>
</tr>
<tr>
<td>Agrostemma githago</td>
<td>Corncockle</td>
</tr>
<tr>
<td>Amanita</td>
<td>Death Cap mushroom/Fly mushroom</td>
</tr>
<tr>
<td>Anagallis arvensis</td>
<td>Scarlet pimpernel</td>
</tr>
<tr>
<td>Asclepias</td>
<td>Milkweed</td>
</tr>
<tr>
<td>Caltha</td>
<td>Marsh marigold</td>
</tr>
<tr>
<td>Chelidonium</td>
<td>Celandine</td>
</tr>
<tr>
<td>Cicuta</td>
<td>Water hemlock</td>
</tr>
<tr>
<td>Conium macalatum</td>
<td>Poison hemlock/spotted hemlock/deadly hemlock/poison parsley</td>
</tr>
<tr>
<td>Crotalaria sagittalis</td>
<td>Rattlebox</td>
</tr>
<tr>
<td>Datura stramonium</td>
<td>Jimson-weed/moon-lily/datura</td>
</tr>
<tr>
<td>Equisetum arvense</td>
<td>Common horsetail</td>
</tr>
<tr>
<td>Eupatorium rugosum</td>
<td>White snakeroot/snakeroot</td>
</tr>
<tr>
<td>Euphorbia</td>
<td>Cypress spurge/snow-on-the-mountain</td>
</tr>
<tr>
<td>Glecoma hederacea</td>
<td>Ground ivy/creeping Charlie</td>
</tr>
<tr>
<td>Helenium autumnale</td>
<td>Sneezeweed</td>
</tr>
<tr>
<td>Pteridium</td>
<td>Bracken fern</td>
</tr>
<tr>
<td>Ranunculus</td>
<td>Buttercup</td>
</tr>
<tr>
<td>Sanguinaria</td>
<td>Blood root</td>
</tr>
<tr>
<td>Solanum nigrum</td>
<td>Black nightshade/deadly nightshade/common nightshade/garden nightshade</td>
</tr>
<tr>
<td>Xanthium</td>
<td>Cockleburr</td>
</tr>
</tbody>
</table>

### Section 807. Required Erosion and Sediment Pollution Control Plan

Any agriculture, horticulture or forestry-related uses which involves earthmoving activities, or plowing and tilling or the commercial harvesting or timbering of vegetation, shall require the acquisition of an approved Erosion and Sediment Pollution Control Plan from the (_______) County Conservation District pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection. All onsite activities shall then be in compliance with the approved Erosion and Sedimentation Pollution Control Plan.

### Section 808. Compliance with General Provisions

All uses shall comply with all applicable General Provisions contained within Article 4 of this Ordinance.
ARTICLE 9
“R-1” LOW DENSITY RESIDENTIAL ZONING DISTRICT

Section 900. Purpose

The purpose of the “R-1” Low Density Residential Zoning District is to accommodate suburban detached residential growth within (municipality). Cluster plans are encouraged.

Section 901. Permitted Uses by Right

A. See Table 6.2 in Section 605.

Section 902. Uses Permitted by Conditional Use or Special Exception

A. See Table 6-2 in Section 605. Municipalities are given the option in Table 6-2 to choose whether it wants to permit a specific use by either a Conditional Use (approved by the governing body) or a Special Exception (authorized by Zoning Hearing Board).

Section 903. Area and Design Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width at Lot Frontage</th>
<th>Maximum Permitted Impervious Lot Coverage</th>
<th>Minimum Yard Setbacks</th>
<th>Maximum Permitted Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached dwelling</td>
<td>6,000 sq. ft.</td>
<td>60 ft.</td>
<td>50%</td>
<td>25 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Other permitted use</td>
<td>30,000 sq. ft.</td>
<td>90 ft.</td>
<td>50%</td>
<td>25 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Accessory buildings and structures</td>
<td>N/A</td>
<td>N/A</td>
<td>Included in above</td>
<td>Not permitted in required front yard</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

Section 904. Compliance with General Provisions

All uses shall comply with all applicable General Provisions contained within Article 4 of this Ordinance.
ARTICLE 10
“R-2” MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT

Section 1000.  Purpose

The purpose of the “R-2” Medium Density Residential Zoning District is to provide for medium density residential neighborhoods that are primarily composed of single-family detached dwellings and to protect these areas from incompatible uses.

Section 1001.  Permitted Uses by Right

A.  See Table 6-2 in Section 605.

Section 1002.  Uses Permitted by Conditional Use or Special Exception

A.  See Table 6-2 in Section 605.  [Municipalities are given the option in Table 6-2 to choose whether it wants to permit a specific use by either a Conditional Use (approved by the governing body) or a Special Exception (authorized by Zoning Hearing Board).

Section 1003.  Area and Design Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width at Lot Frontage</th>
<th>Maximum Permitted Impervious Lot Coverage</th>
<th>Minimum Yard Setbacks</th>
<th>Maximum Permitted Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Front (from ultimate right-of-way)</td>
<td>Side</td>
</tr>
<tr>
<td>Single-family detached dwelling*</td>
<td>5,000 sq. ft.</td>
<td>50 ft.</td>
<td>60 %</td>
<td>25 ft.</td>
<td>5 ft. each</td>
</tr>
<tr>
<td>Single-family semi-detached (duplex)</td>
<td>4,000 sq. ft.</td>
<td>40 ft. per dwelling unit</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each, except 0 ft. at the shared lot line of lawfully attached dwellings</td>
</tr>
<tr>
<td>Two-family detached</td>
<td>4,000 sq. ft.</td>
<td>50 ft.</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each</td>
</tr>
<tr>
<td>Townhouse</td>
<td>2,500 sq. ft., provided no more than 6 dwelling units per acre</td>
<td>20 ft. per dwelling unit</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each, except 0 ft. at the shared lot line of lawfully attached dwellings</td>
</tr>
<tr>
<td>Other permitted use</td>
<td>11,000 sq. ft.</td>
<td></td>
<td>60%</td>
<td>25 ft.</td>
<td>15 ft. each</td>
</tr>
<tr>
<td>Accessory use or</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Not permitted in</td>
<td>3 ft.</td>
</tr>
</tbody>
</table>

“R-2” District
structure required front yard

* Each dwelling unit is required to be on its own fee-simple or condominium lot.

Section 1004. Compliance with General Provisions

All uses shall comply with all applicable General Provisions contained within Article 4 of this Ordinance.
ARTICLE 11
“R-3” HIGH DENSITY RESIDENTIAL ZONING DISTRICT

Section 1100. Purpose
The purpose of the “R-3” High Density Residential District is to accommodate multifamily residential development in (municipality). Cluster plans are encouraged.

Section 1101. Permitted Uses by Right
A. See Table 6-2 in Section 605.

Section 1102. Uses Permitted by Conditional Use or Special Exception
A. See Table 6-2 in Section 605. Municipalities are given the option in Table 6-2 to choose whether it wants to permit a specific use by either a Conditional Use (approved by the governing body) or a Special Exception (authorized by Zoning Hearing Board).

Section 1103. Area and Design Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width at Lot Frontage</th>
<th>Maximum Permitted Impervious Lot Coverage</th>
<th>Minimum Yard Setbacks</th>
<th>Maximum Permitted Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached dwelling*</td>
<td>4,000 sq. ft.</td>
<td>50 ft.</td>
<td>70 %</td>
<td>25 ft.</td>
<td>5 ft. each</td>
</tr>
<tr>
<td>Single-family semi-detached (duplex)</td>
<td>3,000 sq. ft. per dwelling unit</td>
<td>30 ft. per dwelling unit</td>
<td>70%</td>
<td>25 ft.</td>
<td>5 ft. each except 0 ft. at the shared lot line of lawfully attached dwellings</td>
</tr>
<tr>
<td>Two-family detached</td>
<td>3,000 sq. ft. per dwelling unit</td>
<td>50 ft.</td>
<td>70%</td>
<td>25 ft.</td>
<td>5 ft. each</td>
</tr>
<tr>
<td>Townhouse</td>
<td>2,000 sq. ft. per dwelling unit</td>
<td>20 ft. per dwelling unit</td>
<td>70%</td>
<td>25 ft.</td>
<td>5 ft. each except 0 ft. at the shared lot line of lawfully attached dwellings</td>
</tr>
<tr>
<td>Apartments</td>
<td>2,000 sq. ft. per dwelling unit</td>
<td>60 ft.</td>
<td>70%</td>
<td>25 ft.</td>
<td>15 ft. each</td>
</tr>
</tbody>
</table>
**Model Zoning Ordinance**

<table>
<thead>
<tr>
<th>Other permitted use</th>
<th>8,000 sq. ft.</th>
<th>60 ft.</th>
<th>70%</th>
<th>25 ft.</th>
<th>15 ft.</th>
<th>25 ft.</th>
<th>45 ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory use or structure</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Not permitted in required front yard</td>
<td>3 ft.</td>
<td>3 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

* Each dwelling unit is required to be on its own fee-simple or condominium lot.

**Section 1104. Compliance with General Provisions**

All uses shall comply with all applicable General Provisions contained within Article 4 of this Ordinance.
ARTICLE 12
“VMU” VILLAGE MIXED USE ZONING DISTRICT

Section 1200. Purpose

To preserve the character of mixed use boroughs and villages by allowing a mixture of residential and non-residential uses in the style and densities of traditional boroughs and villages.

Section 1201. Permitted Uses by Right

A. See Table 6-3 in Section 605.

Section 1202. Uses Permitted by Conditional Use or Special Exception

A. See Table 6-3 in Section 605. [Municipalities are given the option in Table 6-3 to choose whether it wants to permit a specific use by either a Conditional Use (approved by the governing body) or a Special Exception (authorized by Zoning Hearing Board).

Section 1203. Area and Design Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width at Lot Frontage</th>
<th>Maximum Permitted Impervious Lot Coverage</th>
<th>Minimum Yard Setbacks</th>
<th>Maximum Permitted Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached dwelling</td>
<td>5,000 sq. ft.</td>
<td>50 ft.</td>
<td>60%</td>
<td>5 ft. each</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Single-family semi-detached (duplex)</td>
<td>4,000 sq. ft.</td>
<td>40 ft. per dwelling unit</td>
<td>60%</td>
<td>5 ft. each, except 0 ft. at the shared lot line of lawfully attached dwellings</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Two-family detached</td>
<td>4,000 sq. ft.</td>
<td>50 ft.</td>
<td>60%</td>
<td>5 ft. each</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Townhouse</td>
<td>2,500 sq. ft., provided no more than 6 dwelling units per acre</td>
<td>20 ft. per dwelling unit</td>
<td>60%</td>
<td>5 ft. each, except 0 ft. at the shared lot line of lawfully attached dwellings</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Other permitted use</td>
<td>5,000 sq. ft. plus 1,000 for every permitted</td>
<td>30 ft.</td>
<td>60%</td>
<td>5 ft. each</td>
<td>25 ft.</td>
</tr>
</tbody>
</table>

“VMU” District
Section 1204. Compliance with General Provisions

All uses shall comply with all applicable General Provisions contained within Article 4 of this Ordinance.

| Accessory use or structure | apartment | N/A | N/A | Not permitted in required front yard | 3 ft. | 3 ft. | 20 ft. |
ARTICLE 13
“C-1” NEIGHBORHOOD COMMERCIAL ZONING DISTRICT

Section 1300. Purpose

To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid heavy auto-related commercial uses that are most likely to conflict with nearby homes and the pedestrian orientation, and which are most likely to cause demolition of historic buildings. To provide for smaller-scale uses that utilize existing older buildings as opposed to uses that would involve substantial demolition.

Section 1301. Permitted Uses by Right

A. See Table 6-3 in Section 605.

Section 1302. Uses Permitted by Conditional Use or Special Exception

A. See Table 6-3 in Section 605. Municipalities are given the option in Table 6-3 to choose whether it wants to permit a specific use by either a Conditional Use (approved by the governing body) or a Special Exception (authorized by Zoning Hearing Board).

Section 1303. Area and Design Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width at Lot Frontage</th>
<th>Maximum Permitted Impervious Lot Coverage</th>
<th>Minimum Yard Setbacks</th>
<th>Maximum Permitted Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached dwelling</td>
<td>5,000 sq. ft.</td>
<td>50 ft.</td>
<td>60 %</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Single-family semi-detached (duplex)</td>
<td>4,000 sq. ft.</td>
<td>40 ft. per dwelling unit</td>
<td>60%</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Two-family detached</td>
<td>4,000 sq. ft.</td>
<td>50 ft.</td>
<td>60%</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Townhouse</td>
<td>2,500 sq. ft. per unit, provided no more than 6 dwelling units per acre</td>
<td>20 ft. per dwelling unit</td>
<td>60%</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Other permitted use</td>
<td>5,000 sq. ft. plus 1,000 sq. ft. for every</td>
<td>30 ft.</td>
<td>60%</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
</tbody>
</table>
Section 1304. Compliance with General Provisions

All uses shall comply with all applicable General Provisions contained within Article 4 of this Ordinance.

| Accessory use or structure | apartment unit | N/A | N/A | Not permitted in required front yard | 3 ft. | 3 ft. | 20 ft. |
ARTICLE 14
“C-2” GENERAL COMMERCIAL ZONING DISTRICT

Section 1400. Purpose

To provide for a wide range of commercial uses, including heavier commercial uses than are allowed in the C-1 Neighborhood Commercial District.

Section 1401. Permitted Uses By Right

A. See Table 6-3 in Section 605.

Section 1402. Uses Permitted by Conditional Use or Special Exception

A. See Table 6-3 in Section 605. Municipalities are given the option in Table 6-1 to choose whether it wants to permit a specific use by either a Conditional Use (approved by the governing body) or a Special Exception (authorized by Zoning Hearing Board).

Section 1403. Area and Design Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width at Lot Frontage</th>
<th>Maximum Permitted Impervious Lot Coverage</th>
<th>Minimum Yard Setbacks</th>
<th>Maximum Permitted Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached dwelling</td>
<td>5,000 sq. ft.</td>
<td>50 ft.</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each, 25 ft. 45 ft.</td>
</tr>
<tr>
<td>Single-family semi-detached (duplex)</td>
<td>4,000 sq. ft.</td>
<td>40 ft. per dwelling unit</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each, 25 ft. 45 ft.</td>
</tr>
<tr>
<td>Two-family detached</td>
<td>4,000 sq. ft.</td>
<td>50 ft.</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each, 25 ft. 45 ft.</td>
</tr>
<tr>
<td>Townhouse</td>
<td>2,500 sq. ft. per unit, provided no more than 6 dwelling units per acre</td>
<td>20 ft. per dwelling unit</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each, 25 ft. 45 ft.</td>
</tr>
<tr>
<td>Other permitted use</td>
<td>10,000 sq. ft. plus 1,000 sq. ft. for every apartment unit</td>
<td>50 ft.</td>
<td>60%</td>
<td>35 ft.</td>
<td>30 ft. each, 30 ft. 50 ft.</td>
</tr>
</tbody>
</table>
### Section 1404. Compliance with General Provisions

All uses shall comply with all applicable General Provisions contained within Article 4 of this Ordinance.

<table>
<thead>
<tr>
<th>Accessory use or structure</th>
<th>N/A</th>
<th>N/A</th>
<th>N/A</th>
<th>Not permitted in required front yard</th>
<th>3 ft.</th>
<th>3 ft.</th>
<th>20 ft.</th>
</tr>
</thead>
</table>
ARTICLE 15
“INS" INSTITUTIONAL ZONING DISTRICT

Section 1500. Purpose
To accommodate institutional development which will serve and benefit organizations or entities of an institutional nature and to mutually benefit both (municipality) and the institution.

Section 1501. Permitted Uses by Right
A. See Table 6-4 in Section 605.

Section 1502. Uses Permitted by Conditional Use or Special Exception
A. See Table 6-4 in Section 605. [Municipalities are given the option in Table 6-4 to choose whether it wants to permit a specific use by either a Conditional Use (approved by the governing body) or a Special Exception (authorized by Zoning Hearing Board).

Section 1503. Area and Design Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width at Lot Frontage</th>
<th>Maximum Permitted Impervious Lot Coverage</th>
<th>Minimum Yard Setbacks</th>
<th>Maximum Permitted Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Front (from ultimate right-of-way)</td>
<td>Side</td>
</tr>
<tr>
<td>Single-family detached dwelling</td>
<td>5,000 sq. ft.</td>
<td>50 ft.</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each</td>
</tr>
<tr>
<td>Single-family semi-detached (duplex)</td>
<td>4,000 sq. ft.</td>
<td>40 ft. per dwelling unit</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each, except 0 ft. at the shared lot line of lawfully attached dwellings</td>
</tr>
<tr>
<td>Two-family detached</td>
<td>4,000 sq. ft.</td>
<td>50 ft.</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each</td>
</tr>
<tr>
<td>Townhouse</td>
<td>2,500 sq. ft. per unit, provided no more than 6 dwelling units per acre</td>
<td>20 ft. per dwelling unit</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each, except 0 ft. at the shared lot line of lawfully attached dwellings</td>
</tr>
<tr>
<td>Other permitted use</td>
<td>Non-residential uses and group quarters: shall be</td>
<td>100 ft.</td>
<td>60%</td>
<td>50 ft.</td>
<td>50 ft. each</td>
</tr>
</tbody>
</table>
determined bases on size of the buildings, setback requirements, parking requirements, stormwater management requirements of the SALDO requirements

| Accessory use or structure | N/A | N/A | N/A | Not permitted in required front yard | 3 ft. | 3 ft. | 20 ft. |

Section 1504. Compliance with General Provisions

All uses shall comply with all applicable General Provisions contained within Article 4 of this Ordinance.
ARTICLE 16

“I-1” LIGHT INDUSTRIAL ZONING DISTRICT

Section 1600. Purpose

To permit and encourage Light Industrial development and to consolidate locations of light industrial related land uses which because of their shipping, storage and other requirements exert special demands on (municipality).

Section 1601. Permitted Uses by Right

A. See Table 6-4 in Section 605.

Section 1602. Uses Permitted by Conditional Use or Special Exception

A. See Table 6-4 in Section 605. [Municipalities are given the option in Table 6-4 to choose whether it wants to permit a specific use by either a Conditional Use (approved by the governing body) or a Special Exception (authorized by Zoning Hearing Board).

Section 1603. Area and Design Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width at Lot Frontage</th>
<th>Maximum Permitted Impervious Lot Coverage</th>
<th>Minimum Yard Setbacks</th>
<th>Maximum Permitted Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Front (from right-of-way)</td>
<td>Side</td>
</tr>
<tr>
<td>Single-family detached dwelling</td>
<td>5,000 sq. ft.</td>
<td>50 ft.</td>
<td>60%</td>
<td>25 ft.</td>
<td></td>
</tr>
<tr>
<td>Single-family semi-detached (duplex)</td>
<td>4,000 sq. ft.</td>
<td>40 ft. per dwelling unit</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each</td>
</tr>
<tr>
<td>Two-family detached</td>
<td>4,000 sq. ft.</td>
<td>50 ft.</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each</td>
</tr>
<tr>
<td>Townhouse</td>
<td>2,500 sq. ft. per unit, provided no more than 6 dwelling units per acre</td>
<td>20 ft. per dwelling unit</td>
<td>60%</td>
<td>25 ft.</td>
<td>5 ft. each, except 0 ft. at the shared lot line of lawfully attached dwellings</td>
</tr>
<tr>
<td>Other permitted use</td>
<td>Shall be determined bases on size of the buildings, setback</td>
<td>150 ft.</td>
<td>70%</td>
<td>50 ft.</td>
<td>25 ft. each</td>
</tr>
</tbody>
</table>

“I-1” District
### Accessory use or structure

| Requirements, parking requirements, stormwater management requirements of the SALDO requirements | N/A | N/A | N/A | Not permitted in required front yard | 3 ft. | 3 ft. | 20 ft. |

#### Section 1604. Compliance with General Provisions

All uses shall comply with all applicable General Provisions contained within Article 4 of this Ordinance.
ARTICLE 17

“I-2” HEAVY INDUSTRIAL ZONING DISTRICT

Section 1700. Purpose

To permit and encourage Heavy Industrial use development and to consolidate locations of Heavy Industrial related land uses which because of their shipping, storage or other requirements exert special demands on (municipality).

Section 1701. Permitted Uses by Right

A. See Table 6-4 in Section 605.

Section 1702. Uses Permitted by Conditional Use or Special Exception

A. See Table 6-4 in Section 605. [Municipalities are given the option in Table 6-4 to choose whether it wants to permit a specific use by either a Conditional Use (approved by the governing body) or a Special Exception (authorized by Zoning Hearing Board).

Section 1703. Area and Design Requirements

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<thead>
<tr>
<th>Use</th>
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<th>Minimum Lot Width at Lot Frontage</th>
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</tr>
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</tr>
</tbody>
</table>
### Requirements

| Accessory use or structure | N/A | N/A | N/A | Not permitted in required front yard | 3 ft. | 3 ft. | 20 ft. |

**Section 1704. Compliance with General Provisions**

All uses shall comply with all applicable General Provisions contained within Article 4 of this Ordinance.
ARTICLE 18

SPECIFIC CRITERIA FOR SPECIAL EXCEPTIONS, CONDITIONAL USES, AND USES PERMITTED BY RIGHT

In addition to the General Regulations listed in Article 4, the following sets forth standards that shall be applied to each individual special exception, conditional use, or use permitted by right. These standards must be satisfied prior to approval of any applications for a special exception, conditional use, or use permitted by right. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for each special exception, conditional use, or use permitted by right specify different standards. In such cases, the specific special exception, conditional use, or use permitted by right standards shall apply.

Section 1800. Accessory Child Care

A. The accessory child-care center shall meet all state and federal licensing and registration requirements and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapter 3270, Child Day Care Centers or Title 6, Chapter 11, Older Adult Daily Living Centers.

B. The accessory day-care center is located at and is accessory to a legally established house of worship, a public or nonpublic school, or a place of employment. Such buildings shall obtain a Pennsylvania Department of Labor and Industry occupancy permit.

C. Off-street parking shall be provided in accordance with Article 27.

D. The accessory day-care center provides safe off-street pickup and drop-off points in order to minimize traffic congestion. Vehicles shall enter and exit from the pickup and drop-off points at least 60 feet from any intersection. The passenger pickup and drop-off points shall be arranged so that the passengers do not have to cross traffic.

E. An outdoor play area shall be provided in accordance with state regulations. Adult passive recreation areas may be provided for older adult daily living centers. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back 25 feet from all property lines. Outdoor play areas shall be completely enclosed by a four-foot-high fence that shall screen the area from adjoining residentially zones or use properties. All outdoor play areas must provide a means of shade such as shade tree(s) or pavilion(s).

Section 1801. Accessory Farm Occupation

A. An Accessory Farm Occupation shall be permitted in the (C) Conservation and (A) Agriculture District, subject to the following specific criteria:

1. No more than the equivalent of six (6) nonresidents shall be employed by all accessory occupations on a farm and at least one (1) owner of the accessory occupations must reside on the site. For the purpose of this section, “employed” shall be defined as involved in the on-site conduct of the accessory occupation;

2. A use must be conducted within one (1) completely enclosed building. No external activities and/or storage shall be permitted. Where practicable the accessory occupation shall be conducted within an existing farm building. However, any new building constructed for use by the accessory occupation shall be located so as not to interfere with site drainage and clear sight triangle and, if possible, behind the farm’s principal buildings, or must be not less than fifty feet (50’) from any adjoining roads or properties;
3. Any new building constructed for use by the accessory occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the accessory occupation is discontinued;

4. No part of an accessory occupation shall be located within one hundred feet (100’) of any side or rear lot line, nor three hundred feet (300’) of any land within a residential zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the accessory occupation and the property/zoning line;

5. The total of all accessory occupations shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the accessory occupation and the farm shall not be calculated as land serving the accessory occupation. Vehicular access to the accessory occupations shall be limited to the existing cartways of the farm;

6. No more than fifty percent (50%) of the land devoted to an accessory occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces;

7. Any sign used for an accessory occupation shall not exceed six (6) square feet in size, and shall be set back a distance at least equal to its height from every lot line;

8. For farm parcels of up to fifty (50) acres in size, while any accessory occupation exists, no non-farm subdivision of the site shall be permitted;

9. Retail sales shall be limited to goods and materials that are produced on the site.

10. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within (municipality) which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the accessory occupation change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner of the farm operation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

Section 1802. Adult-Related Uses

Within the I-2 Zone, adult-related uses (Adult Book Store, Adult Cabaret, Adult Theater, etc.) are permitted by conditional use or special exception, subject to the following criteria:

A. Any building or structure used and occupied as an adult-related use shall have an opaque covering over all windows or glass in doors in any area in which materials, merchandise, or film are exhibited or displayed, so that no sale materials, merchandise, or film shall be visible from outside of the building or structure.

B. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein;

C. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter and warning all other persons that they may be offended upon entry;

D. No adult-related use may change to another adult-related use, except upon approval of an additional conditional use;
Model Zoning Ordinance

E. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;

F. No sexual activity or conduct shall be permitted; and,

G. No more than one adult-related use may be located within one building.

H. No person shall operate an adult entertainment establishment without first obtaining a use and occupancy or zoning permit as provided in this Ordinance and all other applicable permits required by law. The permit will be reviewed annually for compliance. The Health Officer and/or Zoning Officer will also perform regular inspections.

Section 1803. Agricultural Operation

A. Agricultural operations/excluding commercial livestock operations shall be permitted in the (C) and (A) Zones, subject to the following criteria:

1. No structure for the housing of poultry, livestock or feedlot shall be located:
   a. Within 300 feet of any residential structure, other than a structure in which the applicant resides, located on the same lot.
   b. Within 125 feet of any right-of-way line.
   c. Within 300 feet from adjoining property line in other than an Agricultural District.

2. Manure storage facilities are subject to the requirement of Section 417.

3. The building height restrictions shall be subject to provisions of the Zoning District.

Section 1804. Airports/Heliports.

Within the (C-2), (I-1) and (I-2) zones airports/heliports are permitted by conditional use or special exception, subject to the following criteria:

A. Minimum lot area shall be 30 acres for airports and three acres for heliports.

B. The applicant shall submit evidence confirming that the facility will be constructed, operated, and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation, related to the use of airports and/or heliports.

C. No part of the takeoff/landing strip and/or pad shall be located within 300 feet from any property line.

D. The applicant shall provide the delineation of the airport or heliport hazard zone to (municipality) and all adjoining municipalities with land located within the hazard zone.

E. All facilities shall not be detrimental to the health, welfare and safety of (municipality) residents and their property.

F. Heliports shall meet the following additional requirements:

1. The landing pad shall be at least 80 feet square or a circle with an eighty-foot diameter. This pad shall be paved, level, and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
2. At least two approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than 90 degrees apart. Each approach lane shall be located within 45 degrees left or right of the prevailing winds and shall fan out at an angle of 10 degrees from the width of the landing pad to a width of 1,000 feet, and shall have a glide angle slope of eight degrees to one, measured from the outer edge of the pad.

3. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use or special exception application; and,

4. No part of the take-off/landing strip and/or pad shall be located closer than fifteen hundred feet (1500’) from any property line.

Section 1805. Amusement Arcades

A. In the (VMU), (C-1) and (C-2) Zones, amusement arcades shall be permitted by right, subject to the following criteria:

1. All activities shall take place within a completely-enclosed building;

2. The applicant shall furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade;

3. A minimum of one parking space for each eighty (80) feet of gross leaseable floor area shall be provided. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with the schedule listed in this Ordinance;

4. A working plan for the cleanup of litter shall be furnished and implemented by the applicant; and

5. In establishments with only one (1) device, these regulations shall not apply.

Section 1806. Animal Hospitals, Veterinary Offices and/or Kennels

A. Within the (C), (A) and (C-2) Zones animal hospitals, veterinary offices and/or kennels shall be permitted by condition use or special exception, subject to the following criteria:

1. Kennels and/or animal hospitals shall have a minimum lot size in accordance with the requirements of the zoning district.

2. All areas used for exercise shall be securely fenced.

3. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of 25 feet from all property lines and a minimum of 200 feet from any adjacent residence whose owner is other than the animal building owner.

4. Animals shall be permitted to exercise outside daily between the hours of 8:00 a.m. to 8:00 p.m.

Section 1807. Automobile Auctions and/or Automobile Parking or Storage Compounds

Within the (I-2) Zone, automobile auctions and/or automobile parking or storage compounds shall be permitted by conditional use or special exception subject to the following criteria:

A. Any site used for the sale, parking and/or storage of more than one hundred fifty (150) vehicles shall front solely upon collector or arterial roads;
B. All exterior areas used for the sale, parking and/or storage of automobiles shall be completely enclosed by a minimum eight foot (8’) high fence, which shall be subject to the setback requirements imposed upon off-street parking lots;

C. Access drives, for a distance of one hundred feet (100’) from the edge of the street right-of-way shall be paved. Beyond this all areas used for vehicle sales, parking or storage may be a non-paved all-weather, dust-free surface.

D. All lighting shall be designed and constructed so as not to cast glare on adjoining road and/or properties.

E. In addition to the preceding requirements, automobile auctions shall comply with the following:

1. The sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display areas, stands, booths, tables, or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The sales shall include all indoor and outdoor areas as listed above;

2. The retail sales area shall be set back at least fifty feet (50’) from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;

3. Any exterior lighting and amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties;

4. Exterior trash receptacles shall be provided amid any outdoor sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter;

5. The servicing, reconditioning, demolition, or junking of vehicles is prohibited;

6. The applicant shall furnish evidence that the disposal of all materials will be accomplished in a manner that complies with all applicable State and Federal regulations; and,

7. No part of the auction shall be located within six hundred feet (600’) of any land within the (R-1), (R-2), (R-3) and (VMU) Zones.

Section 1808. Automobile, Bus, Class I Recreation Vehicle, Boat, Motorcycle, and Snowmobile Service and Repair Facilities

Within the (C-2) (I-1) and (I-2) Zones, Automobile, Bus, Class I Recreation Vehicle, Boat, Motorcycle, and Snowmobile Service and Repair Facilities are permitted by right, subject to the following criteria:

A. All service and/or repair activities shall be conducted within a completely enclosed building;

B. All exterior storage areas shall be subject to lot coverage requirements and screened from adjoining residentially-zoned properties and roads;

C. The storage of more than one (1) unlicensed vehicle is prohibited;

D. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining residentially-zoned or utilized property;

E. All vehicles and machinery shall be repaired and removed from the premises;

F. The demolition or junking of vehicles and machinery is prohibited
G. The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

Section 1809. Auto Repair Garage

A. Auto repair garages are permitted by right in the (C-2), (I-1) and (I-2) Zones, subject to the following criteria:

1. All paint work shall be performed within a building with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a residential lot line.

2. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots in accordance with this Ordinance.

3. Overnight outdoor storage of “junk” other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.

4. Any “junk vehicle” shall not be stored for more than 20 days. A maximum of 4 junk vehicles may be parked on a lot outside of an enclosed building at any one time, except that additional numbers of vehicles may be parked outside overnight if they: (1) are screened from view from streets and other lots by landscaping or buildings and (2) are actively undergoing repair.

5. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street).

Section 1810. Automobile Service Stations

Automobile filling stations (including minor incidental repair) are permitted by conditional use or special exception in the (C-1) Zone and by right in the (C-2) Zone, subject to the following criteria.

A. The subject property shall have a minimum width of one hundred twenty-five feet (125');

B. The subject property shall front on an arterial or collector road;

C. The subject property shall be setback at least three hundred feet (300') from any lot containing a school, day care facility, park, playground, library, hospital or nursing, rest or retirement home;

D. The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited;

E. All structures (including air compressors, kiosks, gasoline pump islands, but not including signs) shall be setback at least fifteen feet (15') from any street right-of-way line;

F. No outdoor storage of auto parts shall be permitted.

G. All ventilation equipment associated with fuel storage tanks shall be set back one hundred feet (100’) from and oriented away from any adjoining residence.

H. The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

Sec. 1811. Bed and Breakfast Homes and Inns
A. Bed and Breakfast Homes and Inns shall be permitted in the (C), (A), (R-1), (R-2), and (R-3) zones and by conditional use or special exception, and the (VMU), (C-1), (C-2) and (INS) zoning districts by right subject to the following specific criteria:

1. A bed and breakfast home shall be allowed only in an owner-occupied, single-family, detached residential dwelling or buildings accessory thereto. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.

2. The owners of a bed and breakfast home or bed and breakfast inn must be in the residence when guests are present.

3. Accommodations for overnight lodging at a bed and breakfast home shall be limited to no more than five guest rooms and to no more than 10 guests at a given time. The guest rooms for both bed and breakfast homes and inns shall be rented to overnight guests on a daily basis for periods not exceeding one week.

4. Accommodations at bed and breakfast homes and inns may include breakfast prepared on the premises for guests and included in the charge for the room. No meal other than breakfast may be prepared on the premises for the registered guests. Catered food service from a licensed facility is permitted without additional licensing requirements.

5. No cooking facilities shall be provided or permitted in individual guest rooms.

6. A bed and breakfast home or inn must conform to all zoning regulations with regard to parking, access, signs, area, setbacks, etc., as are applicable under this Ordinance.

7. Lighting shall not be shed on adjoining properties.

8. The use of a residential dwelling for a bed and breakfast home or inn must be approved by the (municipality) Sewage Enforcement Officer and the system upgraded, if necessary.

9. No goods may be publicly displayed for sale on the premises.

10. All bed and breakfast homes and bed and breakfast inns shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.

11. Section 1877 shall be met if the bed and breakfast home or inn will be used for special occasions as defined under “special occasion home” in the Definitions Article of this Ordinance.

Section 1812. Beekeeping

A. Beekeeping shall be permitted as an accessory use in the (C) and (A) zones, subject to the following criteria:

1. It shall be the duty of the beekeeper to maintain each colony so as to not create a public nuisance;

2. In no case shall hives be located within twenty-five feet (25’) of any residential property line. Furthermore, any hives located within seventy-five feet (75’) of any adjoining property line or street shall be separated from such property line or street by a minimum six foot (6’) high solid fence or vegetative obstruction that will direct the flight path of the bees above traffic and pedestrians;

3. Hives shall not be oriented to children’s play areas or neighboring properties.
Section 1813. Boarding Houses

A. Boarding Houses shall be permitted in (C), (A), (R-1) and (R-2), zones by conditional use or special exception, and the(R-3), (VMU), (C-1) and (C-2) zones by right, subject to the following criteria:

1. Minimum lot area: as required by the zoning district in which the property is located.
2. The boarding house shall provide accommodations for no more than five persons.
3. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used and all other federal and state license requirements have been met.
4. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
5. All floors above grade shall have direct means of escape to ground level.
6. All parking areas shall be screened from adjoining residences.
7. Meals shall be offered only to registered tenants.
8. No signs shall be permitted.

Section 1814. Campgrounds

A. Within the (A) and (C) Zones, campgrounds are permitted by conditional use or special exception on a minimum of ten (10) acres, subject to the following criteria:

1. All campsites shall be located at least fifty feet (50’) from any side or rear property line and at least one hundred feet (100’) from any public street line;
2. Each campsite shall be at least three thousand (3,000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic or equivalent parking shall be provided in a common parking area;
3. An internal road system shall be provided. These roads shall be an all weather, dust free surface;
4. All outdoor play areas shall be set back one hundred feet (100’) from any property line and screened from adjoining residentially zoned or utilized properties;
5. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred feet (100’) from any property line. Such facilities shall be screened from adjoining residentially zoned or occupied properties;
6. Any accessory retail or service commercial uses shall be set back a minimum of one hundred feet (100’) from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground’s registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground’s internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned or occupied parcels;
7. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street;
8. A campground may construct one freestanding or attached sign containing no more than
ten (10) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten feet (10’) from the street right-of-way line, at least one hundred feet (100’) from any residential zone, and, at least twenty-five feet (25’) from adjoining lot lines;

9. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred feet (100’) of any property line. Responsibility for maintenance of the recreation area shall be with the landowner;

10. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground.

11. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP, and/or (municipality).

12. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

Section 1815. Car Washes

A. Within the C-2 Zone, car washes are permitted by right, subject to the following criteria:

1. Gray water recycling is mandatory;

2. For automatic, self-service and full service car washes, each washing bay shall provide a minimum one hundred foot (100’) long on-site stacking lane which precedes the washing process area;

3. For full service car washes, a post-washing drying area shall be provided for no less than six (6) vehicles per washing lane;

4. All structures housing washing apparatuses shall be set back fifteen feet (15’) from any street right-of-way, fifty feet (50’) from any rear property line, and twenty feet (20’) from any side lot line;

5. Trash receptacles shall be provided and routinely emptied to present the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris; and,

6. The subject property shall front on an arterial or collector road.

B. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

Section 1816. Cemeteries

A. Cemeteries shall be permitted by right in all zoning districts, subject to the following criteria:

1. Minimum lot area shall be five acres.

2. All burial plots or facilities shall be set back a minimum of 20 feet from any property line.

3. No burial plots or facilities are permitted in floodplain or flood fringe areas.

Section 1817. Child Care, In Home
A. In home child care shall be permitted by right in all zoning districts. The child care shall be limited to six (6) children not related by legal marriage, birth or adoption.

Section 1818. Cluster Developments

A. Cluster Developments are intended to blend various residential development types within areas of the (municipality) that are characterized by severe development constraint, cultural and natural sensitivity, prime agricultural soils and preservation of open space. It is the express purpose of this section to offer a density bonus and flexible design standards for the preservation and protection of natural or cultural features, prime agricultural and/or the preservation of common open space;

B. Within the (R-1), (R-2) and (R-3) zones, cluster developments are permitted by conditional use or special exception, subject to the following criteria:

1. Minimum Lot Area – The minimum lot area devoted to a cluster development shall be ten (10) acres.

C. Delineation of Required Common Open Space – As part of the site planning process of the cluster development, the applicant shall be required to prepare a detailed natural and cultural features inventory of the site. Such features shall be incorporated into the required common open space and shall serve as part of the required common open space. Qualified experts must identify, describe and plot each of the following found on the proposed site:

- 100-year flood plains;
- Steep slopes greater than fifteen percent (15%) 
- Wetlands, streams, ponds, or other water bodies;
- Closed depressions, sinkholes, caves, vistas, or other significant geologic features;
- Threatened or endangered species habitats;
- Archaeological and historic resources;
- Prime agricultural land and agricultural security areas; and,
- Significant stands of mature trees (masses of trees covering 100 square feet or more or individual trees having a caliper of 6 inches or greater).  

Such features shall become all or part of the required common open space. At least 75% of the required common open space shall be contiguous within the development and contiguous with existing common open space on adjacent properties where applicable. A minimum width of land of 20 feet shall be maintained between areas to be considered contiguous lands.

In addition, the applicant may include proposed parklands within required common open space if such parkland complies with the following:

1. The park land shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Each site shall have at least one (1) area available for a paved vehicular parking. The parking facilities shall be required to comply with this Ordinance;

2. The park land shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, athletic fields, courts and other open play areas. Should a development be proposed at a location contiguous to an existing park, park lands should be provided, where practicable, as an expansion of the existing facility;

3. The park land shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five percent (25%) of the site shall be comprised of flood plains, storm water management facilities and/or slopes exceeding three percent (3%). Any unimproved site shall be provided with a healthy grass ground cover;
4. No part of any overhead utility easement, nor any above ground protrusion of an underground utility shall be permitted in active play areas of the site;

5. The park land shall become part of the common open space of the development; and

6. No part of the park land shall include any required setbacks or yards of adjoining uses.

D. Required Ratio of Housing Types – The following tabulates the ratio of permitted residential structure types within cluster developments based on the extent of proposed common open space and the underlying zoning:

1. R-1, R-2 & R-3 Zones

The minimum required percentage of common open space shall be 30%. Further subdivision of the common open space shall be prohibited by deed restriction. All types of dwellings are permitted based on the following criteria:

<table>
<thead>
<tr>
<th>Proposed Common Open Space (Percent of Total Site Area)</th>
<th>Percentage of Dwelling Units Required by Structural Type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single-Family Detached</td>
</tr>
<tr>
<td>No less than 30%</td>
<td>At least 90%</td>
</tr>
<tr>
<td>31% to 50%</td>
<td>At least 65%</td>
</tr>
<tr>
<td>51% to 65%</td>
<td>At least 30%</td>
</tr>
<tr>
<td>66% or more</td>
<td>No more than 100%</td>
</tr>
</tbody>
</table>

E. Permitted Densities – The following tabulates the permitted density of dwelling units within cluster developments based on the underlying zone. For the purpose of this section, the net acreage of the site shall be the area contained within the original property lines of the site excluding area within existing or proposed street rights-of-way.

1. (R-1), (R-2) and (R-3) Zones, the maximum permitted residential density is four (4) units per net acre of the site, including common open space. The maximum permitted density of a cluster development shall be subject to a ten percent (10%) density bonus for applicants who design and construct linear paths that fully integrate the “developed” area of the site with the common open spaces and/or adjoining linear paths. Any linear path proposed shall consist of all-weather, dust-free surface that is at least four feet (4’) wide. The ownership and maintenance responsibilities for such linear paths shall be governed by the same options as those expressed for common open spaces.

F. Required Design Standards – The following table and its footnotes present applicable design standards applied to the various dwellings/ lots:
### Specific Criteria for Special Exceptions, Condition Uses & Uses Permitted by Right

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area</th>
<th>Maximum Permitted Height</th>
<th>Minimum Lot Width at Building Setback/(Frontage)</th>
<th>Maximum Lot Coverage</th>
<th>Minimum Required Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Detached Dwelling</td>
<td>6,000 sq. ft.</td>
<td>35 ft.</td>
<td>60 ft. (50 ft.)</td>
<td>50%</td>
<td>25 ft. 6 ft. 12 ft. 15 ft.</td>
</tr>
<tr>
<td>Duplexes</td>
<td>3,500 sq. ft. per unit</td>
<td>35 ft.</td>
<td>45 ft. (40 ft. per unit)</td>
<td>60%</td>
<td>25 ft. 10 ft. 15 ft. N/A 15 ft.</td>
</tr>
<tr>
<td>Townhouses</td>
<td>1,800 sq. ft. per unit</td>
<td>35 ft.</td>
<td>18 ft. (18 ft. per unit)</td>
<td>75%</td>
<td>25 ft. 15 ft. (End Units) 20 ft.</td>
</tr>
<tr>
<td>Apartments</td>
<td>43,500 sq. ft.</td>
<td>35 ft.</td>
<td>150 ft. (200 ft.)</td>
<td>60%</td>
<td>25 ft. 30 ft. 60 ft. 35 ft.</td>
</tr>
</tbody>
</table>

1. Within a cluster development, single-family detached dwellings may employ a zero lot line design when the following conditions have been satisfied.
   a. Minimum lot width shall be forty-five feet (45') and thirty-five feet (35’) at the building setback and the lot frontage, respectively.
   b. One side wall of the structure may be located no less than one inch (1”) from one of the side lot lines when adjoining another zero lot line dwelling lot. The opposite side yard shall be at least ten feet (10’) wide.
   c. A perpetual six foot (6’) wall maintenance easement shall be provided on the lot adjacent to the zero lot line, which shall be kept clear of structures and trees. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment, unless otherwise agreed to in writing by the two affected lot owners.
   d. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four inches (24”), but the roof shall be so designed that water runoff from the dwelling place on the lot line is limited to the easement area.
   e. The wall of a dwelling unit located along the zero lot line shall have no openings (e.g., windows, doors, air conditioning units, vents, etc.) unless such openings are located at least eight feet (8’) above grade, and have translucent panels.

2. For each townhouse building containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setbacks, the minimum variation of setback shall be at two feet (2’). In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen feet (15’) from any interior access drives, or parking facilities contained on commonly held lands. All townhouse buildings shall be set back at least thirty feet (30’) from any perimeter boundary of the development site.

3. In those instances where several multiple family dwelling buildings and/or townhouse buildings are located on the same lot, the following separation distances will be provided between each building:
specific criteria for special exceptions, condition uses & uses permitted by right

Model Zoning Ordinance

a. Front to front, rear to rear, parallel buildings shall have at least fifty feet (50’) between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten feet (10’) at one end if increased by similar or greater distance to the other end.

b. A minimum yard space of thirty feet (30’) is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty feet (20’).

c. A minimum yard space of thirty feet (30’) is required between end walls and front or rear faces of buildings.

d. All multiple family dwelling buildings shall be set back a minimum of fifteen feet (15’) from any interior access drives or parking facilities contained on commonly held lands.

(4). If the property abuts an arterial or collector road, the minimum front yard setback shall be forty feet (40’) from the right of way line.

G. Required Infrastructure Evaluation – The applicant shall be required to demonstrate that adequate public facilities are available to serve the proposed use through submitted documentation. In addition, evaluation of the following must be addressed in the conditional use or special exception application:

1. Traffic Impact Report. The applicant shall submit a Traffic Impact Report with the conditional use or special exception application when the number of proposed dwelling units or parking spaces meets or exceeds the criteria set forth in Section _______ of the (municipality) Subdivision and Land Development Ordinance. The Traffic Impact Report shall be prepared in accordance with the Subdivision and Land Development Ordinance and shall demonstrate that proposed developments do not adversely affect the transportation network, identify any traffic problems, and determine traffic problems on (municipality) or State roads in the vicinity of the proposed project. The report also shall assist in the protection of air quality, the conservation of energy and the safety of the motoring public.

2. Sanitary Sewer and Water Service. The applicant shall demonstrate that adequate public sanitary sewer and water services is available to serve the proposed use. As an alternative, community sewage treatment systems may be considered by the (governing body) or Zoning Hearing Board, provided written verification from the Sewage Enforcement Officer and the Pennsylvania Department of Environmental Protection is received with the conditional use or special exception application. The use of individual on-lot systems shall be prohibited in cluster developments. In addition, private water supplies may be considered by the (governing body) or Zoning Hearing Board, provided a groundwater supply study is received with the conditional use or special exception application. In no case shall a conditional use or special exception be approved where adequate sanitary sewage disposal facilities or water service is not available.

Section 1819. Commercial Day Care Facilities

A. Within the (A), and (R-3) Zones, commercial day care facilities are permitted by conditional use or special exception and in the (VMU), (C-1) and (C-2) Zones by right subject to the following criteria:

1. An outdoor play area shall be provided, at a rate of sixty five (65) square feet per individual enrolled. Off street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses. There shall be a minimum of a four foot (4’) high fence with screening to screened from adjoining residually used or zoned properties. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
2. Enrollment shall be defined as the largest number of persons and/or children under day
   care supervision at any one time during a seven day period;

3. Passenger “drop off” and “pick up” areas shall be provided on site and arranged so that the
   passengers do not have to cross traffic lanes on or adjacent to the site;

B. All commercial day care facilities shall obtain and maintain proper licensure from the
   Commonwealth of Pennsylvania.

Section 1820. Commercial Recreation or Entertainment Facilities

A. Within the (C-2) Zone, commercial recreation or entertainment facilities except adult related uses, shooting
   ranges and off track betting are permitted by right, subject to the following criteria:

1. If the subject property contains more than two (2) acres, it shall front on an arterial or collector
   road;

2. Those uses involving extensive outdoor activities shall provide sufficient screening and/or
   landscaping measures to mitigate any visual and/or audible impacts on adjoining properties;

3. Any structures exceeding the maximum permitted height may be permitted so long as they are set
   back from all property liens at least the horizontal distance equal to their height, plus an additional
   fifty feet (50’). Furthermore, such structures shall not be used for occupancy;

4. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use
   of adjoining properties due to hours of operation, noise, light, litter, dust and pollution;

5. Required parking will be determined based upon a combination of the types of activities proposed
   and the schedule listed in this Ordinance. In addition, an unimproved grassed overflow parking
   area provided for peak use periods may be required. Such overflow parking areas shall be
   accessible only from the interior driveways of the permanent parking lot. Overflow parking areas
   shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing
   adjoining roads; and,

6. Any booths or other structures used for the collection of admission and/or parking fees shall be set
   back and arranged to prevent vehicle back ups on adjoining roads during peak arrival periods.
   Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to
   prevent vehicle back ups on adjoining roads.

B. If, at any time after the opening of the commercial recreation facility, (municipality) determines that traffic
   back ups are occurring on adjoining roads, and such back ups are directly related to the means of access to
   the subject property, (municipality) can require the applicant to revise means of access to relieve the undue
   congestion.

Section 1821. Commercial Stockyards, Feedlots and/or Commercial Livestock Operations

A. Within the (A) Zone, commercial stockyards, feedlots and/or commercial livestock operations are
   permitted by conditional use or special exception, subject to the following criteria:

1. All live animals held outside shall be within secure holding pens or runways;

2. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be
   located within two hundred feet (200’) of any property line nor five hundred feet (500’) of any
   land within a residential zone;
3. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty foot (50’) wide landscape strip;

4. All access drives onto the site shall be provided in a dust and mud free manner for a distance of at least two hundred feet (200’) from the street right-of-way line;

5. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site;

6. Adequate off street parking and loading areas must be provided. No parking or loading/unloading shall be permitted on or along any public road;

7. Soil erosion, sedimentation and storm water runoff shall be controlled in accordance with all applicable laws and regulations;

8. All outdoor loudspeaker and lighting systems shall be designed, arranged and operated so as to prevent objectionable impact on adjoining parcels and roads; and,

9. The applicant shall furnish evidence of any needed Nutrient Management Plan approved by the appropriate agency.

Section 1822. Communication Antennas, Towers, Equipment, Transmitting and Receiving Facilities

A. Within the (C), (A), (C-2) and (INS) zones, Communication Antennas, Towers, Equipment, Transmitting and Receiving Facilities are permitted by conditional use or special exception, and by right in the (I-1) and (I-2) zones, all subject to the following criteria:

1. Applicants are required to show compliance with the provisions of this Section and other applicable provisions of this Zoning Ordinance.

2. Applications for the construction of communication antennas, support structures, and related facilities shall include a written report containing the following:

   a. Information describing the tower height and design;

   b. A cross section of the structure;

   c. Engineering specifications detailing construction of tower, base, and guy wire anchorage;

   d. Information describing the proposed painting and lighting schemes;

   e. Information describing the tower’s capacity, including the number and type of antennas that it can accommodate;

   f. All tower structure information shall be certified by a licensed professional engineer;

   g. Certification that there is not suitable space on existing sites or structures where the intended facility can be accommodated and function as required without reasonable modification;

   h. Technological evidence that the facility must go where proposed in order to satisfy its function in the grid system and provide the quality of service required by law;

   i. Written authorization from the property owner of the proposed site;
j. Inventory of existing antenna support structures within a two-mile radius of the proposed site, discussing the unavailability of sites and reasons therefore; and

k. Evidence of the applicant’s good faith efforts to locate the antenna on an existing structure.

l. Applicant shall demonstrate that he/she is licensed by the FCC to operate a communications tower and/or communications antenna.

3. All other uses ancillary to the antenna, tower, and associated equipment are prohibited (except accessory equipment buildings), unless otherwise permitted in the zoning district in which the site is located. This includes, but is not limited to, business offices, maintenance depots and vehicle storage.

4. Other standards of approval for antenna support structures and antenna-related facilities include the following:

a. Setbacks

(1) Antenna support structures shall be set back from all property lines a distance equal to the height of the antenna.

(2) The structure shall be self-collapsing or have a clear fall area setback equal to the height of the structure and any attached antennas.

b. Antenna support structure height

(1) The maximum height of any single antenna support structure located at a single site for one antenna shall be at the lowest height to function at the proposed location, based upon specific engineering data pertaining to the function of the antenna support structure, to be supplied to the applicant.

(2) An antenna support structure may exceed the maximum allowable height to allow for the collocation of another antenna, provided that the applicant shows evidence that the antenna support structure will be a shared location site.

c. Landscaping and screening

(1) If the antenna support structure site is located in an area of existing woodlands, the existing woodlands shall be preserved to the fullest extent possible. The existing woodlands shall be supplemented as needed to fully screen the antenna support base.

(2) If the site is not wooded, the entire perimeter of the fence surrounding the antenna support structure compound shall be planted with evergreen trees for other planting as approved by the (governing body) or Zoning Hearing Board, at least six feet in height at the time of planting. The planting area around the antenna support structure shall have a minimum radius of 10 feet. The evergreens shall be planted every five feet on center.

(3) The site shall be landscaped to a density and height sufficient enough to screen the facility base tower and buildings from abutting properties.
d. Equipment or accessory buildings. Accessory buildings must conform to the yard setbacks as required for the zoning district in which the tower is located.

e. Parking. At least two off-street parking spaces shall be provided.

f. Security, maintenance, and fencing

(1) The site shall be secured by a fence with a minimum height of eight feet to limit accessibility by the general public.

(2) All guy wires shall be clearly marked so as to be visible at all times and shall be located within the fence enclosure.

(3) All equipment and buildings shall be constructed and maintained in accordance with the applicable Building Code.

g. Lighting and signs

(1) No signs shall be mounted on a communications tower except as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agency which has jurisdiction.

(2) All communications towers shall have lights as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agencies which have jurisdiction. If lighting is not required by other agencies, then lighting acceptable to (municipality) shall be required.

h. Antenna support structures shall be painted in the color that best allows it to blend into the surroundings unless otherwise required by the Federal Aviation Administration regulations. The use of grays, blues and greens may be appropriate.

i. Antenna support structure design and structural integrity. The owner of the antenna or antenna support structure shall provide a registered professional engineer’s report documenting that the structure meets the structural standards of the applicable building code in the Telecommunications Industry Association.

j. Other:

(1) Prior to issuance of a zoning permit for the erection of an antenna or antenna support structure, applicants must receive approval of a land development plan from the (governing body). The land development plan must provide the information required by all applicable municipal ordinances.

(2) A formal land development plan is not required if the antenna is to be mounted on an existing structure.

(3) Evidence shall be submitted from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, taking into consideration winds and other loads associated with location.

(4) The applicant, owner, or operator of the antenna shall be licensed by the Federal Communications Commission.

(5) The tower shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and zoning regulations.
(6) Certification of insurance evidencing general liability in the minimum amount of $1,000,000 per incident and property damage coverage in the minimum amount of $1,000,000 per incident is required to cover the tower, antenna and structures.

k. Abandonment:

(1) If an antenna support structure is unused, as evidenced by notice to the Federal Communications Commission of intent to cease operations, for a continuous period of 12 months after said notice, it shall be deemed abandoned.

(2) Any antenna support structure or antenna that is deemed to be “abandoned” must be removed within 90 days.

(3) Removal of the antenna support structure shall be the responsibility of the owner of the antenna support structure. At the time of land development plan approval, the owner and/or his successors and assigns of the antenna support structure must enter into an agreement with the (Municipality) regarding the removal of an abandoned antenna support structure, as herein defined.

(4) In the case of multiple operators sharing the use of a single tower, this provision shall become effective when all users cease operation.

Section 1823. Confined Livestock Operation

A. Within the (A) Zone, a confined livestock operation shall be permitted as a conditional use or special exception, subject to the following criteria:

1. The parcel of contiguous land owned by the owner of a confined livestock operation shall be and remain at least 50 acres. In the event the parcel of contiguous land in common ownership consists of more than one “tract”, as defined in this Ordinance, the owner must merge such tract which will preclude the tract from being placed in separate ownership without (municipal) subdivision approval.

a. Irrespective of the provisions of this section, any large livestock operation in existence prior to the enactment of this Ordinance may not expand such operation without obtaining a conditional use or special exception approval from (municipality) and shall be subject to the following limitations:

(1) The gross floor area of buildings housing such livestock shall not be expanded to more than double the gross floor area housing such livestock.

(2) The number of equivalent animal units shall not be more than doubled. For this purpose, both the number of animal equivalent units present on the property prior to the enactment of this Ordinance and the number permitted by this section shall be calculated by reference to Title 25, Chapter 83, subchapter D, Table A, referred to in the Pennsylvania Code (Section 83.212).

b. Any building constructed after the date of the enactment of this chapter to house animals in a confined livestock operation must maintain the following setbacks:

(1) From a dwelling not owned by the owner of the confined livestock operation, a church, a building used in connection with a home occupation or small business, or other building occupied by human beings at least 10 hours a week: 500 feet.

(2) From a property line: 100 feet.
(3) Buildings housing animals shall not be located within the floodplain.

(4) From a well not owned by the owner of the confined livestock operation: 150 feet.

2. Irrespective of the setback requirements of this section, a new building to provide housing for animals may be located in the aforesaid setback area, provided:
   a. There was, prior to the enactment of this Ordinance, another building housing animals within the required setback area.
   b. The new building housing livestock will not project further into the required setback area than did the building in existence prior to the enactment of this Ordinance.
   c. The number of equivalent animal units on the parcel where the confined livestock operation is or will be located, after construction of the proposed building, not be more than double the number that were present on such tract prior to the enactment of this Ordinance.

10. The owner of the confined livestock operation must establish and maintain an access to the operation so that all motor vehicles making a right turn (whether entering or leaving the property can do so without first having to enter the left-hand side of the public highway. Such access is required only for motor vehicles going in one direction, with the direction of travel to be selected by (municipality) provided such vehicles do not in fact travel in the other direction. In the event vehicles should travel in the other direction, the owner of the operation shall be required to alter the access so that vehicles will not be required to enter the left side of the public highway to complete the turn. In the event motor vehicles entering or leaving the operation by making a right turn in fact enter the left lane of the public highway, the owner of the operation shall revise the access so that motor vehicles entering or leaving the operation by making a right turn can do so without entering the left lane of the public highway.

4. The confined livestock operation must establish and maintain compliance at all times with the requirements of the Pennsylvania Nutrient Management Law.

5. The confined livestock operation must ensure dead animals, if disposed of on the property, are disposed of in strict accordance with the applicable standards of the Pennsylvania Department of Environmental Protection and until such disposition, irrespective of whether such disposition occurs on the property, are kept in airtight containers.

6. The owner of the property on which a building to house animals in a confined livestock operation is located shall remove such building within five years following the time such building ceases to be utilized to provide housing for livestock, unless prior thereto such owner attains a use or occupancy certificate from the (municipality) to utilize such building for another purpose. Such a use or occupancy certificate shall not be granted to permit use of such building for storage purposes, unless:
   (1) Such storage is of materials utilized in conjunction with the agricultural use of the property.
   (2) At least 50% of the gross floor area of the building is utilized for such storage purposes.
   (3) A property owner shall not obtain a use or occupancy certificate permitting a different use unless the owner has maintained the buildings so that windows are not out, substantial rust does not appear, and the building is in otherwise reasonably good
condition. Following the issuance of such use or occupancy certificate, the building must be maintained in the same condition as at the time the certificate is issued.

Section 1824. Continuing Care Retirement Facility

A. Continuing care retirement facility shall be permitted in the (R-1), (R-2) and (R-3) zones by conditional use or special exception and within the (VMU), (C-1), (C-2) and (INS) zones by right, all subject to the following criteria:

1. The continuing care retirement community is designed primarily for persons aged 55 and over.

2. The following uses shall be permitted as principal uses within the continuing care retirement community.
   
   a. Residential uses:
   
   b. Long-term care nursing centers.
   
   c. Personal care centers.
   
   d. Single-family detached dwellings.
   
   e. Single-family semi-detached dwellings.
   
   f. Single-family attached dwellings.
   
   g. Multi-family dwellings.
   
   h. Public uses:
   
      (1) Public park, recreational areas and greenways.
   
      (2) Public libraries and community activity buildings.
   
      (3) Recreation areas and structures operated for the benefit or use of the community.
   
   i. Institutional uses: churches and similar places of religious worship.

3. The following uses shall be permitted as accessory uses in the continuing care retirement community for the use of residents and guests:

   a. Accessory service uses:

      (1) Adult and child day care
      
      (2) Dispensaries
      
      (3) Medical facilities
      
      (4) Common dining facilities
      
      (5) Group recreation facilities

   b. Accessory commercial uses:

      (1) Banks and financial institutions
Specific Criteria for Special Exceptions, Condition Uses & Uses Permitted by Right

(2) Florists, stationery and gift stores
(3) Food and beverage stores
(4) Personal care services
(5) Restaurants
(6) Hobby, book, and music stores
c. Each accessory use shall be located in a building occupied by residential uses or in a community activities building.
d. Each accessory commercial use shall not exceed 2,500 square feet of net floor area (for accessory commercial uses, net floor area as defined herein shall also exclude food preparation areas and lavatories).
e. The total area reserved of commercial accessory uses shall not exceed 4% of the total land area, including buildings, sidewalks, open space, access drives and parking, and no more than 25,000 square feet, whichever is less.
f. Five parking spaces per net floor area shall be provided for each accessory commercial use in addition to other required parking for the facility.

4. Continuing care retirement communities shall meet the following area, density, coverage and yard requirements:
a. Minimum development area shall be 10 acres.
b. Maximum density for residential units shall be 18 units per acre.
c. Maximum impervious lot coverage shall be 60%.
d. Minimum vegetative coverage shall be 40%.
e. Yards shall meet the following minimum setback requirements.
   (1) Front yard: 50 feet.
   (2) Side yards: 30 feet.
   (3) Rear yard: 30 feet.
f. More than one building on a single lot shall meet the following minimum interior yard spacing requirements:
   (1) Front to front: 70 feet.
   (2) Front to side: 50 feet.
   (3) Front to rear: 40 feet.
   (4) Side to rear: 20 feet.
   (5) Side to side: 15 feet.
Specific Criteria for Special Exceptions, Condition Uses & Uses Permitted by Right

(6) Rear to rear: 30 feet.

(7) Corner to corner: 20 feet.

g. Staging of development. When the continuing care retirement community is to be developed in stages, the following criteria must be met:

(1) The land development plan presented to (municipality) must show the approximate location and type of use for each stage of the development.

(2) If nonresidential uses will be a part of the development, the sequencing shall be shown so that not all residential development is constructed prior to the construction of the nonresidential development, unless the development involves an existing continuing care retirement community that already includes existing nonresidential components, in which case the staging requirement would not apply.

5. Public water and public sewer shall be required.

6. A landscaping plan for the entire tract shall be required. A landscape architect licensed by the Commonwealth of Pennsylvania shall be retained to complete such a plan to ensure the proper species, use, arrangement of plant materials and installation by the developer. All areas of the development not covered by impervious surfaces shall be landscaped and maintained with suitable ground cover and plants.

a. The plan shall indicate the extent in which existing vegetation will be preserved for landscaping purposes.

b. When deemed necessary by the (governing body) or Zoning Hearing Board, earthen berms shall be incorporated into the landscaping plan along public street frontage and along property lines abutting existing dwellings.

c. Landscaped areas shall be continually maintained by the landowner or retirement community association. Care, grooming, and replacement of plants shall be included as part of the required maintenance. Failure to adequately maintain landscaped areas shall be subject to a citation issued by (municipality).

d. In addition to landscape elements, the plan shall include the layout of walkways, lighting in accordance with the (municipality) Subdivision and Land Development Ordinance and recreation areas throughout the development for the safety and security of the residents.

(1) Entrances to dwelling units shall be provided with all-weather walkways to parking and refuse collection points.

(2) The development shall have shaded sidewalks or shaded paved walking paths throughout the development.

(3) The layout and design of pedestrian-level street lighting shall be provided throughout the development and parking areas.

e. Parking areas within the continuing care retirement community shall be adequately landscaped in order to provide shade, to screen vehicles from public streets, and to reduce glare and noise within the development itself, and shall be designed in accordance with the (municipality) Subdivision and Land Development Ordinance.
Section 1825. Convenience Store with Gas Dispensing

A. In the (VMU) and (C-1) zones, convenience stores with gas dispensing and/or gasoline service stations are permitted by conditional use or special exception and in the (C-2) zone by right,, subject to the following conditions:

1. The minimum lot size shall conform to the zoning district regulations.

2. All height, setback and coverage standards shall be in accordance with the zoning district in which the use is located.

3. A site circulation plan shall be provided that depicts the separation of fueling service gasoline service station areas and convenience store areas. The plan shall show the location and dimensions of all structures, fuel pumps and location of the tank field; the location and dimensions of parking, landscaping areas and signage; and the description of internal circulation and access, in accordance with the standards herein.

4. Driveway locations shall be in accordance with Section this Ordinance. Minimum setback for access drives shall meet the following standards:

   a. From the intersection of street right-of-way lines: 40 feet;
   b. From the side lot line: 10 feet;
   c. Minimum width of access drive: 12 feet;
   d. Maximum width of access drive: 35 feet;
   e. Minimum separation of drives on same lot: 25 feet.

5. Minimum setbacks from street right-of-way lines for structures and/or buildings shall be in accordance with the following the underlying zoning district or as listed below, whichever is most restrictive:

   a. Pumps: 40 feet;
   b. Building: 50 feet;
   c. Canopies: 35 feet.

6. Motor vehicles shall not be permitted to be parked on sidewalk areas.

7. Minimum setback of fuel pumps from parking areas shall be 20 feet.

8. Outdoor display: All merchandise, except oil racks, shall be displayed within a building. Vending machines shall be maintained in a semi-enclosed structure or within the building.

9. Outdoor lighting shall be in accordance with this Ordinance.

10. Fuel delivery shall not impede traffic-flow patterns.
Section 1826. Distilleries, Breweries, Pickling Processes and Sugar Refineries

A. Within the I-1 and I-2 Zones, distilleries, breweries, pickling processes and sugar refineries are permitted by conditional use or special exception, subject to the following criteria:

1. The applicant shall provide a detailed written description of the proposed use in each of the following topics:
   a. The nature of the on-site operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by products. In addition, the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
   b. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;
   c. Identify any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels regulated by applicable laws and ordinances;
   d. A traffic impact report prepared by a professional engineer, according to Section ____ of the (municipality) Subdivision and Land Development Ordinance.

Section 1827. Dog Day Care

A. Dog day care shall be permitted by right in the (C-2) zone, subject to the following criteria:

1. Play yards shall be enclosed by a solid six foot (6’) high fence.
2. Shall not be permitted with 200 feet of a residence or residential zoning district.

Section 1828. Drive-Thru Facilities for Permitted Uses

A. Within the (C-1) and (C-2) Zones, drive thru facilities shall be permitted by conditional use or special exception, subject to the following criteria:

1. The subject property shall front on an arterial or collector road;
2. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter;
3. All exterior seating/play areas shall be completely enclosed by a minimum three foot (3’) high fence;
4. No part of the subject property shall be located within two hundred feet (200’) of any land within the (R-1), (R-2), (R-3) or (VMU) Zones;
5. The applicant is encouraged to match the architecture of the site to that of the neighborhood.
6. Ingress and egress standards shall meet the requirements of the (municipality) Subdivision and Land Development Ordinance.

   a. The minimum distance of any driveway to property line shall be 10 feet.
b. The minimum distance between driveways on the site shall be 65 feet, measured from the two closest driveway curbs.

c. The minimum distance of a driveway into the site from a street intersection shall be 60 feet, measured from the intersection of the street right-of-way to the nearest end of the curb radius.

d. The angle of driveway intersection with the street shall be based upon safe traffic movements and shall be approved by the Municipal Engineer.

e. Drive-in facilities adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

7. All drive-in facility buildings and structures shall be designed and planned to take advantage of and be compatible with natural features of the site and area.

8. Outdoor lighting shall be contained on site.

9. All drive-through windows shall be separated from the parking lot’s interior driveways and have stacking lanes of at least 100 feet in length for pharmacies and financial institutions and 160 feet for fast-food businesses.

10. Outside speakers shall not be audible from any residential area.

11. All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.

12. A traffic study is required to demonstrate safe access and control of traffic into and out of the facility. The traffic study shall include at a minimum the following study elements:

   a. A study of the internal traffic patterns in the off-street parking area to ensure the safe movement of traffic for pedestrians and vehicles and convenient access to the development and nearby areas.

   b. The traffic study shall be completed in accordance with the (municipal) Subdivision and Land Development Ordinance requirements.
Section 1829. Dry Cleaners, Laundries and Laundromats

A. Within the (VMU), (C-1) and (C-2) zones, dry cleaners, laundries and laundromats are permitted by right, subject to the following criteria:

1. All activities shall be conducted within a completely enclosed building;
2. All windows and doors or walls facing adjoining residential zones shall be kept closed;
3. Self-service laundromats shall require one off-street parking space for each two (2) washing machines; other laundry related uses shall provide one off street parking space for each four hundred (400) square feet of gross floor area.
4. Laundry and dry cleaning establishments shall be intended for personal use only.
5. Any exhaust ventilation equipment shall be directed away from adjoining residentially zoned or used property.

Section 1830. ECHO Housing

A. Within the (C), (A), (R-1), (R-2) and (R-3) zones ECHO Housing is permitted by conditional uses or special exception and in the (VMU), (C-1), (C-2), and (INS) by right, subject to the following criteria:

1. The ECHO Housing may not exceed nine hundred (900) square feet of floor area;
2. The total building coverage for the principal dwelling, any existing accessory structures and the ECHO Housing together shall not exceed the maximum requirement for the zone in which the ECHO housing is located;
3. The ECHO Housing shall be occupied by either an elderly, handicapped or disabled person related to the occupants of the principal dwelling by blood, marriage or adoption;
4. The ECHO Housing shall be occupied by a maximum of two (2) people;
5. Utilities
   a. For public sewer and water supply and all other utilities, the ECHO housing shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards; and
   b. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the (governing body) or Zoning Hearing Board showing that the total number of occupants in both the principal dwelling and the ECHO Housing will not exceed the maximum capacities for which the one unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on site sewer system shall comply with the (municipality) On-Lot Management Ordinance.
6. A minimum of one (1) off street parking space, with unrestricted ingress and egress to the street, shall be provided for the ECHO Housing, in addition to that required for the principal dwelling;
7. The ECHO Housing shall not be permitted in the required front yard setback and shall adhere to all side and rear yard setback requirements for principal uses.
Section 1831. Family Care Facility

A. A Family Care Facility shall be permitted by conditional use or special exception in the (C), (A), (R-1) and (R-2) zone and by right in the (R-3), (VMU), (C-1), (C-2) and (INS) zones, all subject to the following:

B. The following information shall be provided to (municipality) prior to the issuance of a building permit or certificate of occupancy:

1. In a narrative form, a statement of the proposed use, including its location, number of residents, name telephone number and contact person of the sponsoring agency.

2. A statement and verification that all required approvals, permits and licenses have been granted from the federal, state and county governments and other public agencies.

3. The family care facility shall comply with all zoning regulations in the district in which the family care facility is located.

4. All information required for the issuance of a building permit.

5. No family care facility shall be established within 1,000 feet of another family care facility or group home.

6. The family care facility shall maintain a similar appearance, condition and character to the existing dwellings in the immediate vicinity of the family care facility.

7. Occupants of the family care facility shall live as a family unit.

8. Under no circumstances shall any uses qualifying for or falling under the definition of a “half-way” house be considered a family care facility.

C. A family care facility shall be limited to six (6) residents who are not related by legal marriage, birth or adoption.

Section 1832. Farmers Market and/or Flea Market

A. Within the (VMU), (C-1) and (C-2) zones, a farmers market and/or flea market are permitted by right, subject to the following criteria:

1. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and/or outdoor area as listed above;

2. Exterior retail sales area shall be set back at least fifty feet (50’) from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;

3. Off-street parking shall be provided at the rate of one (1) space per each two hundred (200) square feet of retail sales area. The parking area shall be an all weather, dust free surface;

4. Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in Article 27 of this Ordinance;

5. All outdoor display and sales of merchandise shall not begin prior to one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset;
6. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties; and,

7. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

Section 1833. Flag Lot Residences

A. Flag Lot Residences shall be permitted within the (C), (A), (R-1), (R-2), (R-3), (VMU) and (INS) Zones by conditional use or special exception, subject to the following criteria:

1. Flag lots shall only be permitted when they will enable the preservation of some important natural or cultural feature (including productive farmland), which would otherwise be disturbed by conventional lotting techniques;

2. For the purposes of this section, a flag lot shall be described as containing Two parts: (1) The “flag” shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The “pole” shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road;

3. Requirements for the Flag
   a. The minimum lot area and lot width requirements of the (municipality) Zoning Ordinance shall be measured exclusively upon the flag.
   b. For purposes of determining required yards and setbacks, the following shall apply:
      (1) Front Yard – The minimum area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard;
      (2) Rear Yard – The minimum area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above; and,
      (3) Side Yard – The minimum area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure.

4. Requirements for the Pole:
   a. The pole shall maintain a minimum width of twenty-five feet (25').
   b. The pole shall not exceed six hundred feet (600’) in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.
   c. No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities and mailboxes.
   d. The cartway contained on the pole shall be located at least six feet (6’) from any adjoining property line, and twenty feet (20’) from any existing structures on the site or any adjoining property.
e. No pole shall be located within two hundred feet (200’) of another on the same side of the street, unless an adjoining pole utilizes a joint use driveway.

5. The flag lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from the lot is in the forward direction;

B. Joint Use Driveways:

1. When one or more flag lots are proposed, such lots may rely upon a joint use driveway for vehicular access.

2. A joint use driveway must serve at least one flag lot, but may also serve conventional lots, up to a maximum of four total lots.

3. All joint use driveways shall have a minimum cartway width of sixteen feet (16’).

4. Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint use driveways. Such easements shall be recorded in language acceptable to (municipality) and depicted on the subdivision plan.

Section 1834. Forestry Operations

To encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable use of forested land and forestry activities, including, but not limited to timber harvesting, and to be in compliance with the Pennsylvania Municipalities Planning Code, as amended, forestry shall be a permitted use by right in all zoning districts. The following standards apply to all timber harvesting within the municipality where the value of trees, logs, or other timber products removed exceed one thousand dollars ($1,000.00). These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

A. Policy and Purpose. In order to conserve forested open space and the environmental and economic benefits they provide, it is the policy of (municipality) to encourage the owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations are intended to further this policy by promoting good forest stewardship, protecting the rights of adjoining property owners, minimizing the potential for adverse environmental impacts, and avoiding unreasonable and unnecessary restrictions on the right to practice forestry.

B. Notification and Preparation of a Logging Plan.

1. For all timber harvesting operations, the landowner shall notify (municipality) Zoning Officer at least ten (10) business days before the operation commences and within ten (10) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.

2. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this Ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site all times during the operation and shall be provided to the (municipality) Zoning Officer upon request.

3. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
4. An erosion and sedimentation pollution control plan must be approved by the ______ County Conservation District. Documentation of such approval is required prior to the beginning of any timber harvest activities.

C. Contents of the Logging Plan. As a minimum the logging plan shall include the following:

1. The design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings;

2. The design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;

3. The design, construction, and maintenance of stream and wetland crossings;

4. The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.

5. A sketch map or drawing containing the site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within the property; significant topographic features related to potential environmental problems; location of all earth disturbance activities such as roads, landings, and water control measures and structures; location of all crossings of water of the Commonwealth; and the general location of the proposed operation to municipal and state highways.

6. Documentation of compliance with the requirements of all applicable state regulations including, but not limited to, the following: erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. 691.1 et seq; and Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. 693.1.et seq.)

7. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified above, provided all information required is included or attached.

D. Forest Practices. The following requirements shall apply to all timber harvesting operations in (municipality).

1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of (municipality) or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

2. No tops or slash shall be left within twenty-five (25’) feet of any public thoroughfare or private roadway providing access to adjoining residential property.

3. All tops and slash between twenty-five (25’) and fifty (50’) feet of any public roadway or private roadway providing access to adjoining residential property or within fifty (50’) feet of adjoining residential property shall be lopped to a maximum height of four (4’) feet above ground.

5. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
6. No tops or slash shall be left within fifty feet (50’) of any perennial of intermittent stream or the designated floodplain of any stream, whichever is greater.

7. No harvest of trees shall occur within fifty feet (50’) of any perennial or intermittent stream.

8. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

E. Responsibility for Road Maintenance and Repair: Road Bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statues, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the land owner and the operator shall be responsible for repairing any damage to (municipality) roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages.

F. Enforcement. The (municipality) Zoning Officer shall be the enforcement officer for the standards set forth herein.

G. Inspections. The (municipality) Zoning Officer may go upon the site of any timber harvesting operation before, during, or after active logging to review the logging plan or any other required documents for compliance with the standards and inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

H. Violations Notices; Suspensions. Upon finding that a timber harvesting operation is in violation of any provision of these standards and regulations, the (municipality) Zoning Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The (municipality) Zoning Officer may order the immediate suspension of any operation upon finding that corrective action has not been taken by the date specified in a notice violation; the operation is proceeding without a logging plan; or the operation is causing immediate harm to the environment. Suspension orders shall be in writing, shall be issued to the operator and the owner, and shall remain in effect until, as determined by the (municipality) Zoning Officer, the operation is brought into compliance with the regulations herein or other applicable states or regulations. The land owner or the operator may appeal an order or decision of an enforcement officer, within thirty (30) days of issuance, to the (municipality) governing body.

I. Penalties. Any landowner or operator who violates any provision of these regulations; refuses to allow the (municipality) Zoning Officer access to a harvest site or who fails to comply with a notice of violation or suspension order is guilty of a summary offense and upon conviction shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), plus costs, for each separate offense. Each day of continued violation of any provisions shall constitute a separate offense.

Section 1835. Funeral Homes, Mortuaries and Crematoriums

A. Within the (VMU) and (C-1) Zones funeral homes or mortuaries excluding crematories shall be permitted by conditional use or special exception, subject to the criteria below. Within the C-2 zone, funeral homes, mortuaries and crematoriums are permitted by right, subject to the following criteria:

1. The applicant shall furnish evidence that the use of materials and disposal of wastes will be accomplished in a manner which complies with State and Federal regulations; and,

2. Parking shall be designed to prevent traffic back ups onto adjoining roads.

3. A one hundred foot off-street stacking area for the formation of the funeral procession shall be provided on the site.

4. No funeral procession will be allowed to form on public streets.
Section 1836. Golf Courses

A. Within the (A), (R-1), (R-2) and (R-3) Zones, golf courses are permitted by conditional use or special exception and within the C-2 Zone golf courses are permitted by right, all subject to the following criteria:

1. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, or public street, access drive, or driveway;

2. All golf course buildings shall be set back seventy-five (75’) from any adjoining roads and one hundred feet (100’) from adjoining residential structures or parcels;

3. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:

   a. Clubhouse, which may consist of:

      (1) Restaurant, snack bar, lounge, and banquet facilities;

      (2) Locker and restrooms;

      (3) Pro shop;

      (4) Administrative offices;

      (5) Golf cart and maintenance equipment storage and service facilities;

      (6) Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steamrooms;

      (7) Game rooms, including card tables, billiards, ping-pong, video games, pinball machines, and other similar table games; and,

      (8) Babysitting rooms and connected fence enclosed playlots.

   b. Accessory recreation amenities located outside of a building, including:

      (1) Driving range, provided that the applicant shall furnish expert evidence that all lighting has been arranged to prevent glare on adjoining properties and streets;

      (2) Practice putting greens;

      (3) Swimming pools;

      (4) Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;

      (5) Bocce ball, croquet, shuffleboard and horseshoe pits;

      (6) Picnic pavilions, picnic tables, park benches, and barbecue pits;

      (7) Hiking, biking, horseback riding, and cross-country ski trails; and,

      (8) Playground equipment and playlot games, including 4-square, dodgeball, tetherball, and hopscotch

   c. Freestanding maintenance equipment and supply buildings and storage yards.
4. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred feet (100’) and be screened from adjoining residential structures and roads;

5. All dumpsters and off-street parking and/or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining roads;

B. Golf courses can be integrated with cluster developments in accordance with this Ordinance. In such instance, all open areas of the golf course can be calculated as common open space.

C. The minimum lot area shall be not less than: 45 acres for a par 3, 18 hole course; 60 acres for a 9 hold or executive golf course; and 100 acres for a regulation 18 hole course.

D. A golf course may include the following accessory uses:
   1. A clubhouse with a pro shop, offices, restaurant/snack bar, game room, and childcare room.
   2. Golf cart maintenance and equipment storage and service facilities. No outdoor maintenance or storage of golf cards shall be permitted.
   3. Practice putting greens and driving range, without outdoor lighting.

E. The construction of a golf course shall be considered a “development” and subject to all appropriate requirements of the (municipality) and Subdivision and Land Development Ordinance.

F. All applicants shall submit plans to the Municipal Engineer and the ______ County Conservation District at least 30 days before the public hearing. In addition to requirements of (municipality) Subdivision and Land Development Ordinance, the plans shall include the following information:
   1. Earthmoving and erosion-control management;
   2. Runoff controls for herbicides, pesticides, fungicides, and fertilizer, and plans for disposal of the containers for those items;
   3. Water use plan, including emergency condition usage;
   4. Wastewater treatment and disposal plan;
   5. Traffic study. A traffic study shall be submitted by the applicant in accordance with the (Municipality) Subdivision and Land Development Ordinance. The traffic study shall include at a minimum the following study elements:
   6. Mosquito control; and
   7. Nutrient plan to ensure no excess nitrates, herbicides, pesticides, fungicides or other fertilizer is used; when alternatives that are less potentially harmful to the environment are available, they shall be used.

G. Any points when the golf course crosses a road(s), driveway or parking lot shall be signed, warning motorists and pedestrians, and any private road shall contain speed bumps.

H. In addition to the setback regulations of the district in which the use is located, the following setback regulations shall be required.
   1. Fairways and greens shall be set back a minimum of:
a. One hundred and fifty feet from any residential structures. For undeveloped residential lots abutting the golf course, the one hundred fifty foot setback shall be measured from the closest setback line of the abutting property and common property line.

b. Fifty feet from any nonresidential lot line of an abutting property or the existing street right-of-way line.

2. All accessory uses of the golf course shall be set back at least 100 feet from all lot lines.

3. All golf course buildings shall be set back 100 feet from any adjoining roads and parcels.

4. Parking shall be set back at least 30 feet from any adjoining lot lines, be paved with asphalt, and screened from adjoining residentially zoned or used property in accordance with Section _______, as set forth in the (municipality) Subdivision and Land Development Ordinance. The number of required parking spaces shall be the amount required for the golf course plus accessory uses.

Section 1837. Group Home

A. A group home is permitted by right in the (C), (A), (R-1), (R-2), (R-3), (VMU), (C-1), (C-2) and (INS) zones. The following information shall be provided to the (municipality) Zoning Officer prior to the issuance of a building permit.

1. In a narrative form, a statement of the proposed use, including its location, number of residents, name, telephone number and contact person of the sponsoring agency.

2. A statement that all required approvals, permits and licenses have been granted from the federal, state and county governments or other public agencies.

3. The group home shall comply with all zoning regulations in the district in which the group home is located.

4. All other information that is required by the (municipality) Building Department prior to issuing a building permit shall be provided to (municipality).

5. The group home shall maintain a similar appearance, condition and character to the existing dwellings in the immediate vicinity of the group home.

6. Occupants of the group home shall live as a family unit.

7. Under no circumstances shall any uses qualifying for or falling under the definition of “halfway house” be considered a group home.

Section 1838. Group Quarters

A. Group Quarters shall be permitted in the (R-3), (VMU) and (INS) zones by conditional use or special exception and in the (C-2) zone by right, all subject to the following criteria:

1. There shall be a minimum of 350 square feet of habitable floor area provided for each occupant.

2. A common kitchen and dining facility shall be provided, and no cooking or dining facilities shall be provided in individual rooms or suits. This provision is not intended to require kitchen and dining facilities if the affiliated institution provides them elsewhere.

3. All group quarters shall be connected to public water and public sanitary sewage facilities.
4. All group quarters shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety and fire codes of the federal state and local governments.

**Section 1839. Half-Way House.**

A. Half-way houses shall be permitted in the (R-3), (C-2) and (INS) Zones by conditional use or special exception permit, subject to the following criteria;

1. A halfway house must be licensed where required by an appropriate government agency(s) and shall be in compliance with all applicable rules and regulations of the licensing body(s). A copy of any required license must be delivered to (municipality) prior to beginning the use.

2. A halfway house shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the house.

3. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.

4. The residents of the halfway house shall reside on the premises to benefit from the services provided.

5. The halfway house shall not be located within 1,000 feet of any religious structure, public recreation facility, school facility, day-care center or public library.

6. The halfway house shall not be located within 1,000 feet of another halfway house.

7. Each conditional use or special exception application shall be accompanied by a statement describing the following:
   a. The composition of the halfway house;
   b. The policies and goals of the halfway house and the means proposed to accomplish those goals;
   c. The characteristics of the residents and number of residents to be served;
   d. The operating methods and procedures to be used; and
   e. Any other facts relevant to the proposed operation of the halfway house.

8. Any use permit granted for the halfway house shall be bound to the type and number of offenders listed on the application. Any change in the type or number of offenders being housed shall require a new hearing before the (governing body) or Zoning Hearing Board.

**Section 1840. Heavy Equipment Sales, Service and/or Repair Facilities**

A. Within the (I-2) Zone, heavy equipment sales, service and/or repair service facilities are permitted by right, subject to the following criteria:

1. All service and/or repair activities shall be conducted within a completely enclosed building;
2. All exterior storage and/or display areas shall be screened from adjoining land within the (R-1), (R-2), (R-3) and (VMU) Zones. All exterior storage/display areas shall be set back at least fifty feet (50’) from adjoining street lines and shall be covered in an all weather, dust free surface;

3. The storage of junked vehicles, boats, machinery, trucks, trailers, manufactured houses and heavy equipment vehicles on the property is prohibited;

4. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining land within the (R-1), (R-2), (R-3), or (VMU) Zones;

5. All vehicles shall be repaired and removed promptly from the premises.

B. The applicant shall furnish evidence that the storage and disposal of all materials will be accomplished in a manner that complies with State and Federal regulations.

Section 1841. Heavy Industrial Uses

A. Within the (I-2) Zone, heavy industrial uses are permitted by conditional use or special exception, subject to the following criteria:

1. The applicant shall provide a detailed written description of the proposed use in each of the following topics:

   a. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations;

   b. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;

   c. Identify any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to those of Section ___ of this Ordinance; and,

   d. A traffic impact report prepared by a professional engineer, according to Section ____ of the (municipality) Subdivision and Land Development Ordinance.

Section 1842. Helistop

A. Within the (C-2), (I-1) and (I-2) Zones, helistops are permitted by conditional use or special exception permit, subject to the following criteria:

1. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.

2. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use or special exception application.
3. The proposed helistop would not be detrimental to the health, welfare and safety of the (municipality) residents and their property.

4. The landing pad must be at least eight-five (85) feet square or a circle with an eighty-five (85) foot diameter. The pad must be paved, level, and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.

5. At least two (2) approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90) degrees apart. Each approach lane shall be located within forty-five degrees left or right of the prevailing winds and shall fan out at an angle of ten (10) degrees from the width of the landing pad to a width of one thousand (1,000) feet, and shall have a glide angle slope of eight (8) to one (1) measured from the outer edge of the pad.

6. An application for the helistop 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. The helistop shall be used only for personal or executive use by a firm or individual.

8. No helicopter over six thousand (6,000) pounds gross weight shall use any helistop.

9. The helistop shall be located a minimum of one thousand (1,000) feet from any dwelling unit.

B. It shall be unlawful for any person to land, discharge, load or take off in a helicopter in any place within (municipality) other than at a heliport or helistop except:

1. In conjunction with a special event such as an athletic contest, holiday celebration, parade or similar activity, after seven (7) days advance notice has been given to (municipality) and permission obtained to make such landing and takeoff.

2. When necessary for police and/or fire training or when necessary for law enforcement purposes and for emergencies.

3. In connection with a construction project where a helicopter is to be used to lift equipment in connection with such project.

4. Spraying and dusting for agricultural purposes.

Section 1843. Historic Structures Conversions

A. Within any zone, the conversion of a historic structure to a use other than the existing use is permitted by conditional use or special exception, subject to the following criteria:

1. The new use shall be permitted by right, conditional use or special exception in the zone in which the historic structure is located.

2. The applicant shall furnish expert evidence that any alterations, improvements, extensions, additions or other modifications proposed to the historic structure will be accomplished in a manner that does not jeopardize the “historic” status of the structure.

3. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.

4. The applicant shall obtain any necessary land development approvals.

5. All off-street parking and/or loading areas shall be screened from adjoining residences.
6. One (1) sign shall be permitted which is no larger than six (6) square feet and is located at least ten feet (10') from all lot lines or affixed to the front of the building.

7. Historic Restaurant Conversions: Historic restaurant conversions shall not involve drive thru restaurant operations.
   a. All restaurant seating shall be provided within the completely-enclosed building, except that limited exterior seating maybe provided if:
      (1) Such seating is situated and designed so as not to adversely impact nearby residences.
      (2) Such seating is accessory to the principal interior seating accommodations.
      (3) During use, such seating is continuously supervised by an employee or owner of the restaurant.
      (4) Any lighting or music systems servicing such seating is designed and operated so as not to constitute a nuisance to adjoining properties;
      (5) The applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating.
      (6) Such seating is removed during seasons when not in use.

8. Historic Conversion Apartment: All dwelling units within the historic conversion apartment building shall contain at least four hundred (400) square feet of habitable floor area.
   a. Any extensions or modifications to the external appearance of the building (except fire escapes) shall complement its residential character.
   b. All floors above or below grade shall have a permanently affixed direct means of escape to ground level.
   c. Two (2) off-street parking spaces per unit shall be provided.

8. Historic Office Conversions are permitted and must follow the same criteria as Historic Conversion Apartment.

Section 1844. Home Improvement and Building Supply Stores

A. Within the (C-2) Zone, home improvement and building supply stores are permitted by right, subject to the following criteria:
   1. If the subject property contains more than two (2) acres, it shall front along an arterial or collector road;
   2. The retail sales area shall be all areas open for public display, including but not limited to shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas as listed above;
   3. Off-street parking shall be provided at the rate of one space for each two hundred (200) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area;
4. All exterior retail sales areas shall include a dust-free surface.

5. All exterior storage and retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining residential properties.

6. The applicant shall furnish expert evidence that any exterior amplified public address system and/or exterior lighting has been arranged and designed so as to prevent objectionable impact off the site.

7. Any drilling, cutting, sawing, mixing, crushing or other preparation of building materials, shall be conducted within a completely enclosed building.

Section 1845. Home Occupations

A. Within all zones, home occupations are permitted by conditional use or special exception, subject to the following criteria:

1. The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on-site at any one time who does not reside within the dwelling.

2. The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.

3. The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.

4. One off-street parking space shall be required per non-resident employee.

5. The use shall not require delivery or pickup by tractor-trailer trucks.

6. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.

7. No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of “toxic” or “highly hazardous” substances.

8. A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.

9. Any tutoring or instruction shall be limited to a maximum of 3 students at a time.

10. A barber or beauty shop shall not include any non-resident employees.

11. The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.


13. The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.

14. Retail sales shall be limited to sales that are clearly accessory to the primary residential use.
15. If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance. In any case, no more than one non-resident employee shall be allowed to work on site at one time.

Section 1846. Hospitals

A. In the C-2 and (INS) Zones hospitals shall be permitted by conditional use or special exception, subject to the following criteria:

1. The facility operator shall meet all state and federal rules and regulations for health-care facilities.

2. All applicants shall provide evidence that the hospital will be conducted in a manner that will not be detrimental to neighboring property owners.

3. Minimum lot area: five acres

4. Minimum street frontage: 300 feet

5. Public sewer and public water shall be used

6. The subject property shall have frontage along an arterial or collector street

7. All height, area, setback and coverage standards within the underlying district shall apply.

8. Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned or utilized properties.

9. A traffic study shall be submitted by the applicant in accordance with the (municipality) Subdivision and Land Development Ordinance. The traffic study shall include at a minimum the following study elements:
   a. A study of the internal traffic patterns in the off-street parking area to ensure the safe movement of traffic for pedestrians and vehicles and convenient access to the development and nearby areas.
   b. A description of the location of bus stops to be conveniently accessible for patrons traveling to and from the site by bus. The location for a bus stop must be provided even if current bus service is unavailable. The bus stop area shall include a shelter, seating, waste receptacle, and shaded area.

10. The institution shall submit a copy of its emergency operations plan (EOP) to the (municipality) Emergency Management Agency Coordinator. The EOP shall include detailed information regarding solid, medical and hazardous materials and waste handling, including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with state and federal regulations.

Section 1847. House of Worship and Related Uses

A. Within the (C), (A), (R-1), (R-2), (R-3), (VMU), and (C-1) zones a House of Worship and Related Uses shall be permitted by conditional use or special exception, and in the (C-2) and (INS) zones by right, all subject to the following criteria:

1. Minimum lot area: As required by underlying zoning district.
Model Zoning Ordinance

2. Minimum lot width: Two hundred feet (200').

3. Side yard setback: Fifty feet (50') on each side.

4. Rear yard setback: Fifty feet (50').

5. Front yard setback: Fifty feet (50').

B. Church Related Residences (Rectories and Convents) shall be accessory, and located upon the same lot or directly adjacent to a lot containing a house of worship.

1. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the underlying zone, except that any number of persons of a convent and/or seminary may share group quarters.

C. Church-Related Educational or Day Care Facilities:

1. All educational or day care uses shall be accessory, and located upon the same lot as a House of Worship.

2. If educational or day care is offered below the college level, an outdoor play area shall be provided, at a rate of sixty five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas be set back twenty five feet (25') from all property lines. Outdoor play areas shall be screened from adjoining residentially zoned or utilized properties. All outdoor play areas must provide a means of shade, such as shade tree(s), pavilion(s), or other shading devices.

3. Enrollment shall be defined as the largest number of students and/or children under day care supervision at any one time during a seven day period.

4. Passenger “drop off” areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

5. All educational or day care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone unless otherwise provided in this Section.

6. Unless the applicant can demonstrate that the off-street parking associated with the House of Worship is sufficient for the proposed use, one (1) off-street parking space in the shall be provided for each six (6) students enrolled below grade 10, and/or one (1) off street parking space for each three (3) students, grades ten and above.

D. Cemeteries:

1. All burial plots or structures shall be located at least twenty feet (20') from any property line or street line.

2. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery; and,

3. No burial plots or facilities are permitted in flood plain or flood fringe areas.

Section 1848. Hunting, Fishing, Skiing, and Boating Lodges

A. Within the (C) and (A) Zone, hunting, fishing, skiing, and boating lodges are permitted by conditional use or special exception, subject to the following criteria:
1. All off-street parking shall be set back at least thirty feet (30’) from any adjoining land within the (C), (A), (R-1), (R-2), (R-3) or (VMU) Zones.

2. Outdoor recreation/activity areas shall be set back at least fifty feet (50’) from all property lines. No shooting ranges shall be permitted unless approved under the provisions of this Ordinance;

3. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.

3. Where overnight facilities are provided, one (1) parking space shall be provided for each guest sleeping room or each three bunks, plus one (1) per employee.

4. One (1) sign, not to exceed ten (10) square feet, shall be permitted.

Section 1849. Junkyards

A. Within the (I-2) Zone, junkyards are permitted by conditional use or special exception, subject to the following criteria:

1. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight foot (8’) high, sight-tight fence which shall be set back at least fifty feet (50’) from all property lines and one hundred feet (100’) from properties within the (R-1), (R-2), (R-3) or (VMU) Zones. A landscaped visual barrier will be provided adjacent to a residential use or zone;

2. The setback area between the fence and the lot lines shall be kept free of weeds.

3. All completely-enclosed buildings used to store junk shall be set back at least fifth (50’) from all property lines.

4. No material may be stored or stacked so that it is visible from adjoining properties and roads.

5. All Federal and State laws shall be satisfied.

6. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight feet (8’).

7. No materials shall be burned at any time.

8. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.

9. No junkyard shall be located on land with a slope in excess of five percent (5%).

10. All junked vehicles shall be emptied of fuel, oil and other petroleum products, air conditioning fluid, anti-freeze, and batteries.

Section 1850. Long Term Care Nursing and Personal Care Facilities

A. Long term care nursing and personal care facilities shall be permitted by right in the (C-1) and (C-2) and (INS) zones, subject to the following criteria:

1. In addition to residential units (living and sleeping quarters with or without kitchen facilities), the following accessory uses may be provided for the exclusive use of residents and their guests:
Model Zoning Ordinance

Specific Criteria for Special Exceptions, Condition Uses & Uses Permitted by Right

a. Dispensaries
b. Medical facilities
c. Common dining facilities
d. Group recreation facilities
e. Personal care services
f. Adult and child day care
g. Bank or financial institution
h. Florist, stationery and gift shop
i. Snack shop

2. Buildings on the same lot shall meet the following interior yard spacing requirements:
   a. Front to front: 70 feet
   b. Front to side: 50 feet
   c. Front to rear: 20 feet
   d. Side to rear: 20 feet
   e. Side to side: 15 feet
   f. Rear to rear: 30 feet
   g. Corner to corner: 20 feet

3. Minimum vegetative coverage shall be 40%

4. The applicant shall provide proof that all applicable state, county and (municipal licenses have been obtained

Section 1851. Manure Storage Facilities

A. Manure Storage Facilities are permitted as an accessory use in the (C) or (A) zones, subject to the following specific criteria:

1. All manure storage facilities shall be designed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 3, and any revisions, supplements and replacements thereof, published by the Pennsylvania Department of Environmental Protection.

2. All manure waste storage facilities’ designs shall be reviewed by the _____ County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility.

3. Construction and subsequent operation of the waste storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation
will require the acquisition of another review by the _____ County Conservation District, a record of which should be filed with the Zoning Officer.

Section 1852.  Mini-Warehouses

A.  Within the (C-2) Zone, mini-warehouses are permitted by conditional use or special exception, and in the (I-1) and (I-2) zones by right, all subject to the following criteria:

1. Off-street parking spaces shall be provided at the rate of one (1) space per each twenty-five (25) units, plus one (1) per two hundred fifty (250) square feet of office space, plus two (2) per any resident manager.

2. If a manager/business office is established on the site, at least four parking spaces must be provided adjacent to the office.

3. The servicing or repair of stored equipment shall not be conducted on the premises.

4. No business activities, other than rental of storage units, shall be conducted on the premises.

5. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.

6. If a parking area is to be provided for the outdoor storage of recreational vehicles, such parking shall be in addition to any required parking.

7. All access drives, parking and loading areas must be paved and shall be mud free.

8. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lands shall be at least twenty-six feet (26’) wide when storage units open onto one side of the lane only, and at least thirty feet (30’) wide when storage units open onto both sides of the lane;

9. External storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining land within the (R-1), (R-2), (R-3) or (VMU) Zones and adjoining roads, and is located behind the minimum front yard setback line.

10. An on-site manager shall be required and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. Any dwelling for a resident manager shall comply with all of those requirements listed within the (R-1) Zone, and shall be entitled to all residential accessory uses provided in this Ordinance;

11. Auctions or garage sales are prohibited.

12. Commercial, wholesale or retail sales are prohibited.

Section 1853.  Mobile / Manufactured Home Parks

A. Mobile / Manufactured Home Parks shall be permitted in the (R-1), (R-2) or (R-3) zone by conditional use or special exception, subject to the following criteria:

1. A mobile home park or manufactured home park shall only include homes of single or multiple widths, but shall not include travel trailers or motor homes.

2. Any parcel to be used as a mobile / manufactured home park shall have a minimum tract area of twenty-five (25) acres.
3. The total number of lots in a mobile / manufactured home park shall not exceed a maximum density of five homes per adjusted tract area. Calculations shall be by the adjusted tract area method in Article 25.

4. Yard and area regulations:
   a. No mobile / manufactured home or other primary building may be located closer than 35 feet (35’) to any boundary of the mobile / manufactured home park, regardless of whether the boundary abuts a lot, water body, road or other right-of-way.
   b. No mobile / manufactured home lots shall be less than 55 feet in width at the building setback line.
   c. All mobile / manufactured home lots shall have a minimum lot size of 5,000 square feet.
   d. No individual mobile / manufacture home lot shall be less than twenty five feet (25’) in width at the right-of-way line or the edge of pavement of a private street.
   e. The maximum coverage of any individual mobile / manufactured home lot by all primary and accessory buildings and structures, including covered patios and decks, shall not exceed twenty five percent (25%).
   f. Minimum structure setbacks:
      (1) Front yard: In no case shall a mobile / manufactured home be located closer than the required front yard setback of the underlying zoning district from a public or private street right-of-way. No more than six homes in a row shall have the same front setback. Where varied setbacks are implemented, the difference shall be at least four feet (4’).
      (2) Side and rear yards: No mobile / manufactured home or accessory building shall be located closer than five feet to any side or rear line of an individual mobile / manufactured home. Side and rear setbacks for adjoining lots which are not part of the mobile /manufactured home park shall comply with the underlying zoning district.
      (3) Mobile / manufactured homes and roof structures of areas attached thereto shall be separated from each other and from other buildings, other than accessory structures, at their closest points by a minimum of twenty feet (20’); provided, however that whenever two mobile /manufactured homes have their longer sides parallel or essentially parallel to each other for more than 25% of the length of either, the minimum distance between the two mobile / manufactured homes shall be thirty feet (30’).

5. The development of all mobile / manufactured home parks shall conform to the (municipality) Subdivision and Land Development Ordinance.

Section 1854. Motels or Hotels (including conference centers)

A. Motels or hotels (including conference centers) shall be permitted in the (VMU) or (C-2) zones by right, subject to the following criteria:

1. Minimum lot area shall comply with the underlying zoning district.

2. All buildings and structures shall be set back a minimum of thirty feet (30’) from any lot line.
Model Zoning Ordinance

3. A landscape plan shall be required, prepared by a landscape architect licensed by the Commonwealth of Pennsylvania. All areas of the development not covered by impervious surfaces shall be landscaped and maintained with suitable ground cover and plants. Existing vegetation is encouraged to be preserved.
   a. When deemed necessary by the governing body earthen berms shall be incorporated into the landscape plan along public street frontage and along property lines abutting existing dwellings.
   b. Landscaped areas shall be continually maintained. Care, grooming and replacement of dead plants shall be included as part of the required maintenance.

Section 1855. Nightclubs and Taverns

A. Within the (C-2) Zone nightclubs are permitted by right, and in the (VMU), (C-1) and (C-2) taverns are permitted by right, all subject to the following criteria:
   1. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter.
   2. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building. Noise levels shall not exceed 45 dBA or 5 dBA above ambient noise levels as measured at the front, side and rear property lines.
   3. A working plan for the cleanup of litter shall be furnished and implemented by the applicant
   4. The site shall be located a minimum of 150 feet from any school, child or adult day care facility, community activity center, cultural facility or house of worship

Section 1856. No-Impact Home-Based Businesses

A. A No-Impact Home Based Business shall be permitted in all zones in accordance with the following requirements except that such accessory use shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common-interest-ownership community.
   1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
   2. The business shall employ no employees other than family members residing in the dwelling.
   3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
   4. There shall be no outside appearance of a business use, including but not limited to parking, signs or lights.
   5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
   6. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

Section 1857. Non-Commercial Keeping of Livestock

A. Non-Commercial Keeping of Livestock shall be permitted as an accessory use in the (C) and (A) zones, subject to the following specific criteria:

1. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply:
   a. Animals less than 10 pounds: A twenty-five foot (25’) setback;
   b. Animals between 10 and 65 pounds: A fifty foot (50’) setback;
   c. Animals greater than 65 pounds: A fifty foot (50’) setback;

2. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
3. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals.
4. All manure management practices and operations shall comply with the provisions set forth in the Pennsylvania Nutrient Management Act, as amended
5. All animals, their housing, and their outdoor pasture/recreation areas shall be maintained so as not become a nuisance to adjoining properties;

Section 1858. Off-Track Betting Parlors

A. Within the (C-2), (I-1) and (I-2) Zones, off-track betting parlors are permitted by conditional use or special exception, subject to the following criteria:

1. An off-track betting parlor shall not be permitted to be located within five thousand feet (5,000’) of any other off-track betting parlor.

2. No off-track betting parlor shall be located within one thousand feet (1,000’) of any land within the (R-1), (R-2), (R-3), or (VMU) Zones.

3. No off-track betting parlor shall be located within one thousand feet (1,000’) of any parcel of land which contains any one or more of the following specified land uses:
   a. Amusement park
   b. Camp (for minors’ activity)
   c. Child care facility
   d. Church or other similar religious facility
Section 1859. Outdoor Cafe

A. Outdoor Cafés shall be permitted as an accessory to a permitted restaurant or establishment which serves food, subject to the following criteria:

1. The utilization of sidewalk space beyond the building line, as well as the use of lawn or yard area, including decks, patios or porches, shall be permitted to accommodate the serving of food to patrons fronting on that space. The use of the sidewalk shall consist of tables and chairs set in front of the restaurant or establishment permitted to serve food to patrons. There shall be some type of partition which shall separate the outdoor café from the public portion of the sidewalk.

Section 1860. Permanent Housing for Farm Employees

A. Permanent housing for farm employees in permitted in the (C) and (A) Zones for temporary or full-time farm workers (and their families) who are employed by the farmer, for such time as the employee works on the land of the farmer.

Section 1861. Power Generation Facilities
A. Power generating facility shall be permitted in the (I-2) Zone by conditional use or special exception, subject to the following criteria:

1. Every use shall be operated so that it does not emit a dangerous level of heat, glare, radiation, noise, vibration, fumes, odors or other objectionable emission beyond any boundary of the site on which the use is located.

2. Outdoor storage and waste disposal.
   a. No material or wastes shall be deposited upon a site in such form or manner that they may be transferred off site by natural causes or forces.
   b. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents shall be stored outside in closed containers.

3. Landscape requirements:
   a. The landscape provisions in this Ordinance are intended to encourage development of an attractive working environment for development, to buffer objectionable views, to provide year-round landscape, and to provide for the mitigation of environmental impacts. The landscape requirements shall be as provided in the (municipality) Subdivision and Land Development Ordinance. Where conflict exists between this Ordinance and the (municipality) Subdivision and Land Development Ordinance with regards to landscape requirements, the most restrictive shall apply.
   b. Suitable planting and landscaping shall be provided in areas required as setback under the provisions of this Article.
   c. Landscaping is not required for side and rear property lines behind the front building setback line for property abutting other industrial zoned property.
   d. Parking shall not be permitted in the landscape setback abutting any street.

B. A written plan of access must be provided by the owner in the event of emergency conditions such as fire, assuming the worst condition. The owner’s plan of action for emergency access to the building shall be submitted to the (municipality) Emergency Management Agency Officer and the fire companies at the time of submission for a building permit.

Section 1862. Principal Waste Handling Facilities.

A. Within the (I-2) Zone, principal waste handling facilities are permitted by conditional use or special exception, subject to the following criteria:

1. Any processing and/or treatment of waste (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, etc.) shall be conducted within a wholly-enclosed building;

2. No waste shall be deposited, stored or disposed of, and no building or structure shall be located, within five hundred feet (500’) of any property line;

3. Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at the property line. The use of an earthen berm is encouraged where practicable. In addition, such areas must also be completely enclosed by an eight foot (8’) high fence, with no opening greater than two inches (2”) in any direction.
4. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.

5. The use shall be screened from all adjoining properties.

6. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed and/or unloaded will not back-up onto public roads.

7. All access drives on the site shall be completely paved for a distance of at least two hundred feet (200’) from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty foot (50’) long gravel section of driveway shall be placed just beyond the preceding two hundred foot (200’) paved section to help collect any mud that may have attached to a vehicle’s wheels. The operator shall be responsible for the removal of any dirt/mud deposited on the public right-of-way.

8. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations;

9. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to (municipality);

10. The unloading, processing, treatment, transfer, and disposal of waste shall be continuously supervised by a qualified facility operator;

11. Any waste that is to be recycled shall be stored in leak and vector proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building

12. All storage of waste shall be indoors in a manner that is leak and vector proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than twenty-four (24) hours.

13. A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to (municipality).

14. Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment may be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in any manner inconsistent with the Department of Environmental Protection’s regulations.

15. All structures shall be set back at least a distance required by the underlying zoning district or equal to their height, whichever is greater;

16. The applicant shall submit an analysis of raw water from either private or public sources, indicating the quantity of water required. The applicant will provide a letter indicating that the public or private source will provide the water needed. In addition, if the facility is to rely upon non-public sources of water, appropriate permits will be required (i.e., (municipality), DEP, and SRBC). A water feasibility study shall be provided to enable (municipality) to evaluate the impact of the proposed construction on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed construction and to estimate the impact of the new construction on existing wells in the vicinity. The water feasibility shall be reviewed by the (municipality) engineer.
a. A water system which does not provide an adequate supply of water for the proposed construction, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed construction, shall not be approved by (municipality).

b. A water feasibility study shall include the following information:

(1) Calculations of the projected water needs.

(2) A geologic map of the area with a radius of at least one mile from the site.

(3) The location of all existing and proposed wells within one thousand feet (1,000’) of the site, with a notation of the capacity of all high-yield wells.

(4) The location of all existing on-lot sewage disposal systems within one thousand feet (1,000’) of the site.

(5) The location of all streams within one thousand feet (1,000’) of the site and all known point sources of pollution.

(6) Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.

(7) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.

(8) A statement of the qualifications and the signature(s) of the person(s) preparing the study.

17. The applicant shall provide a qualified traffic impact report, as described in Section _____ of the (municipality) Subdivision and Land Development Ordinance.

18. A minimum one hundred foot (100’) wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site, must not be located within this landscape strip.

19. The applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill or waste materials during transport, and potential hazards regarding firefighting of waste materials upon the site;

20. No principal waste handling facility shall be located within one (1) mile of another, as measured in a straight line between closest property lines.

21. Maximum building height thirty-five feet (35’).

22. Maximum height of fill fifty feet (50’).

23. A plan for the restoration of all narrow areas shall be submitted for approval.

24. The hours of operation shall be limited to 7 a.m. to 7 p.m.

Section 1863. Private Club
A. Within the (C) and (A) Zones private clubs are permitted by conditional use or special exception, and by right in the (VMU), (C-1) and (C-2) zones, all subject to the following criteria:

1. Parking lots shall be screened from any lot lines of adjoining residences.

2. All outdoor recreation/activity areas shall be set back at least fifty (50’) from any property line. Shooting ranges are prohibited unless approved under Section 1834 of this Ordinance.

3. Screening shall be provided along any adjoining land within the (R-1), (R-2), (R-3) or (VMU) Zones.

4. The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside the clubhouse.

Section 1864. Private and Semi-Public Outdoor Recreation Areas; and Public and Non-Public Parks and Playgrounds

A. Within the (C), (A), (R-1), (R-2), (R-3), (VMU), (C-1) and (C-2) Zones, Public and Semi-Public Outdoor Recreation Areas; and Public and Non-Public Parks and Playgrounds are permitted by conditional use or special exception, subject to the following criteria:

1. Parking shall be required as shall be determine to be necessary for the use and site by the (governing body) or Zoning Hearing Board.

2. A buffer yard of 30 feet in width and a screen planting, of a height and type as approved by the (governing body) or Zoning Hearing Board shall be provided.

3. Where an outdoor recreational use other than a golf course adjoins a residential district or residential use, trees and shrubs must be planted on the site of the recreational use so as to form an effective visual barrier between the recreational use and the residential use or district.

4. A traffic study is required to demonstrate safe access and control of traffic into and out of the facility. The traffic study shall include at a minimum a study of the internal traffic patterns in the off-street parking area to ensure the safe movement of traffic for pedestrians and vehicles and convenient access to nearby areas.


Public utility buildings and structures shall be permitted by conditional use or special exception permit in the (C), (A), (R-1), (R-2), (R-3), (VMU) and (C-1) zones, and by right in the (C-2), (INS), (I-1) and (I-2) zones, all subject to the following criteria:

A. The applicant must demonstrate that the selected location is necessary for public service and the use cannot be supplied if located elsewhere.

B If located within a residential district, all buildings and structures shall be designed (to the extent possible) to have the exterior appearance of a residence.

C In any residential district, the outdoor storage of vehicles or equipment, used in the maintenance of a utility, shall be screened from adjoining roads and all properties in accordance with this Ordinance.

D There shall be no specific minimum lot size; however, each lot shall provide front, side, and rear yard setbacks and comply with the maximum lot coverage requirements and impervious surface as prescribed in the underlying zoning district.

E Height regulations for the underlying zoning district shall be followed.
F. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical, or microwave disturbance, or any other objectionable impact, nuisance or safety hazard beyond the subject property.

Section 1866. Quarry

A. Quarries shall be permitted by conditional use or special exception in any zone

B. As part of each application, the applicant shall furnish an accurate survey site plan, at a scale no less than one inch equal to 400 feet, showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be sealed by a registered professional engineer or a registered professional land surveyor and shall include the following:

1. The boundaries of the proposed affected area, together with drainage area above and below the area.

2. The location and names of the types of resources to be extracted or quarried and names of all natural and man-made features, such as streams, roads, railroads, and utility lines, on or immediately adjacent to the area.

3. The location of all buildings within 1,000 feet of the parcel; and the names and addresses of the owners and present occupants; total acreage; names and addresses of adjacent landowners; and the location of rights-of-way and easements, abutting and/or adjacent zoning districts and land uses.

4. The purpose for which each building is used, and estimated depth of the proposed operation and land area to be excavated, with dimensions.

5. Proposed alterations to watercourses to assure stream quality and quantity.

6. Any proposed alterations to watercourses to assure stream quality and quantity.

7. A contour map showing cross sections of any proposed quarry area, including a detailed hydrogeologic groundwater study based on complete site studies.

C. The applicant shall obtain any required permit or permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any successor agency thereto, and shall present such permit or permits to the (governing body) or Zoning Hearing Board.

D. The applicant shall present duplicate sets of the plans, specifications, applications and supporting data that have been or shall be presented to the Department of Environmental Protection for review to the (governing body) or Zoning Hearing Board. If a conditional use or special exception is granted, the operator shall continue to present such documentation to (municipality) when it is submitted to the Department of Environmental Protection.

E. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Noncoal Surface Mining Conservation and Reclamation Act, Act of December 19, 1984, P.L. 10993 No. 219, as amended, 52 P.S. paragraph 3301 et. seq., or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating mining, and the regulations of the Department of Environmental Protection implementing such statutes.

F. A fence measuring eight feet high must enclose the area of actual quarrying or excavation. It shall not be less than 50 feet from the edge of excavation. The fence used shall have openings less than three inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from any quarry or excavation, with plantings (which shall be evergreen) at least 36 inches high and placed in a double-staggered row with no more than five feet on center between plants. The vegetation shall be of a variety to obtain a height of at least eight feet at maturity. Where adjacent to a residential district or...
public right-of-way, trees and shrubs shall be planted which will screen the operation completely from
normal view. All screenings and buffers required by this Ordinance shall be provided.

G. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely
affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the
(governing body) or Zoning Hearing Board a hydrogeologic study performed by a qualified hydrogeologist
or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological
standards and practices; shall contain the sources of all test data, including but not limited to wells
evaluated as part of the study; and shall clearly set forth the conclusions and recommendations of the
professional.

H. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to
protect the public health, safety and welfare, access drives shall be secured by fences, locks, gate, and other
means to deny access at unauthorized times.

I. Vehicular access shall be designed so as to minimize danger and congestion along adjoining roads and to
avoid the creation of nuisances to nearby properties.

J. Sufficiently long vehicle-stacking lanes into the facility shall be provided so that waiting vehicles to be
weighed will not backup onto public roads.

K. All access drives onto the site shall be paved to a cartway width of 35 feet for a distance of at least 200 feet
from the street right-of-way line. In addition, a one-hundred-foot-long crushed-stone section of driveway
shall be placed just beyond the preceding two-hundred-foot paved section to help collect any mud that may
be attached to a vehicle’s wheels. The owner/operator shall be responsible for any dirt/mud deposited on
the public right-of-way.

L. The facility shall front upon, and gain access from, an arterial or collector, as defined in the (municipality)
Comprehensive Plan, as amended or Subdivision and Land Development Ordinance.

M. The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of
traffic analysis, of the physical conditions of the primary road system serving the site. A traffic study shall
be submitted by the applicant in accordance with the (municipality) Subdivision and Land Development
Ordinance.

N. If the traffic study demonstrates that improvements to (municipality) or State roads shall be required in
order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic
network, the applicant shall make and/or guarantee cost of such improvements.

O. The operator shall maintain and make available to the public at its office all permits and approved plans
required by all governmental regulatory agencies having jurisdiction over the permitting, operation,
maintenance and/or reclamation of such a facility.

P. The operator shall provide (municipality) with copies of any notices of violation received from the
Department of Environmental Protection or U.S. Environmental Protection Agency within two weeks from
the date such notice of violation was received by the operator.

Q. There shall be no operations on Sunday or legal holidays and no operation between 7:00 p.m. and 7:00 a.m.
on other days.

R. All mining operations shall comply with the following requirements:

1. Shall not injure or detract from the lawful existing or permitted use of neighboring properties.

2. Shall not create any damage to the health, safety or welfare of (municipality) or its residents or
   property owners.
3. Shall not pollute the air in excess of standards set by federal or state statutes or regulations.

4. Shall not create noises in excess of permitted levels established by federal or state statutes or regulations or (municipality) ordinances.

5. Shall not exceed the blasting parameters established by the Pennsylvania Bureau of Mining and Reclamation.

6. Shall not permit vibrations perceptible as detected by the adjacent or adjoining landowners’ natural innate sensory input at any adjoining or adjacent property in different ownership or at public rights-of-way.

7. Shall not permit the emission of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property at any point beyond the property line of the use creating the emission.

8. Shall not impede the flow of natural watercourses.

9. Shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in any quarries or excavations.

10. The storage of explosives and blasting agents, the bulk storage of flammable or combustible liquids and the bulk storage of liquefied petroleum gas must comply with the (municipality’s) Building Construction Code and all other state and federal regulations applicable to the types of storage stated in this subsection.

S. At the time of application for a conditional use or special exception, an operations statement shall be submitted which shall include a detailed description of methods for satisfactorily handling operations with respect to the emission of noise, dust, blast, smoke, refuse matter or water, odor, gas, fumes or similar substances or conditions which may endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property beyond the property line. All such operations statements shall be in full compliance with all applicable state and federal statutes and regulations of this Ordinance. All pollution, soil erosion and sedimentation control, and other environmental problems created during the operation, including the production, transportation, processing, stockpiling, storage and disposal of products, by-products and wastes, shall be corrected by the operator.

T. At the time of application for a conditional use or special exception, a reclamation plan shall also be submitted setting forth the following information:

1. An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries and legal description of the tract.

2. A description of the location, type, extent, methods and time schedule for the operation proposed.

3. A drawing showing the location and/or proposed relocation of land, trees, buildings, structures, public roads, streams, drainage facilities and utility lines on the tract or adjacent tracts as may require protection, repairs, clearing, demolition or restoration either during or following the completion of the operations proposed.

4. A plan for reuse of the land after completion of the operations which shall permit the carrying out of the purposes of this Article and appropriately provide for any restoration, reclamation, reforestation or other correction work deemed necessary and which shall comply with all applicable state and federal statutes and regulations governing the reclamation of the proposed facility.
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U. As a condition of approval, the operator must certify that, after the termination of operations, he/she must rehabilitate the area to conform to the reclamation plan and all applicable federal and state statutes and regulations.

V. Within 90 days after the commencement of surface mining operations and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer and/or (municipality) Engineer setting forth the following:

1. The name and address and telephone number of the operator.
2. The location of the operation with reference to the nearest public road.
3. A description of the tract or tracts, including a site plan showing the location of all improvements, stockpiles, quarry pits, etc.
4. The name and address of the landowner or his duly authorized representative.
5. An annual report of the type and quantity of material produced.
6. The current status of the reclamation work performed pursuant to the approved reclamation plan.
7. A maintenance report for the site verifying that all required fencing, berming and screening has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance have been performed.
8. Verification that the proposed use continues to comply with all applicable state regulations. The operator shall furnish copies of any approved permits and/or any notices of violations issued by the Pennsylvania Department of Environmental Protection to the Zoning Officer and/or (municipality) Engineer.

W. A five-hundred-foot setback shall be maintained from all property lines during the operation of any quarry or mine, within which quarrying or mining activities, including blasting and stone crushing, shall not be permitted.

X. No structures or parking areas shall be located closer than 100 feet to any property line.

Y. Waste products or waste containers shall not be placed within required yards. All such containers shall be completely enclosed by a solid fence or wall.

Z. Where screening, plantings or fencing has been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials which die shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.

Section 1867. Racetracks

A. Within the (C-2), (I-1) and (I-2) Zones, racetracks are permitted by conditional use or special exception, subject to the following criteria:

1. The minimum setbacks of all structures from public roads shall be 100 feet.
2. Such facility shall be situated so that no residential use is located closer than 500 feet from any property line of the principal use at the time of approval.
3. Access to such facility shall be by a paved road. All racetracks shall have direct access to an arterial or collector roadway, as identified in the (municipality) Comprehensive Plan. Traffic shall not be directed through residential subdivisions or residential streets.

4. Off-street parking shall be provided at a minimum of one space for each three patrons or seats.

5. Any lighting provided at such facilities shall be subject to the provisions of this Ordinance regarding outdoor lighting of the (municipality) Zoning Ordinance.

6. Accessory uses and/or structures may be permitted in conjunction with the principal use of the property, provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.

7. Noise from the racetrack shall not exceed 80 decibels at 100 feet from the racetrack property line.

8. Hours of operation of the racetrack shall be between 10:00 a.m. and 10:00 p.m.

Section 1868. Recycling Facilities for Paper, Plastic, Glass, and Metal Products

A. Within the (I-1) and (I-2) Zones, recycling of paper, plastic, glass and metal products is permitted by conditional use or special exception permit, subject to the following criteria:

1. All operations, including collection shall be conducted within a completely-enclosed building.

2. There shall be no outdoor storage of materials processed, used or generated by the operation.

3. The applicant shall provide a written documentation of the scope of operation, and measures used to mitigate problems associated with noise, fumes, dust, and litter.

4. The applicant will be required to assure regular maintenance of the site to immediately collect stray debris.

Section 1869. Retail Sale of Agricultural, Plant Nursery and Garden Material

A. Within the (A) Zone, retail sale of agricultural, plant nursery and garden material are permitted by right, subject to the following criteria:

1. The display and sale of items not grown on the property or directly adjacent properties, shall been incidental and accessory use.

2. All outdoor display areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

3. All structural improvements (including parking and loading facilities, but not including a free standing sign) shall be screened from adjoining land within a Residential or VMU District.

4. One sign shall be permitted advertising the business. Such sign shall not exceed six (6) square feet in size.

Section 1870. Riding Schools and Stables

A. Within the (C) and (A) Zone, riding schools and stables are permitted by conditional use or special exception, subject to the following criteria:
1. No more than 10 equine animals are kept with the exception that one additional equine animal may be kept for each additional acre of land over five acres.

2. All animals, except while exercising or pasturing, shall be confined in a building erected or maintained for that purpose and shall meet the following requirements:
   a. The building shall not be erected or maintained within 300 feet of any lot line and 75 feet from any public or private road.
   b. The building shall not be less than 200 square feet in size for each equine animal.

3. All outdoor training, show, riding, boarding or pasture areas shall be enclosed by a minimum four-foot-high fence and shall be set back a minimum of 100 feet from any adjacent residence whose owner is not the owner of this use.

4. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.

5. All parking compounds and unimproved overflow parking areas shall be set back at least 100 feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties. There shall be one space for each nonresident employee and one space for every two equine animals kept on the property.

Section 1871. Roadside Stands

A. Roadside stands for the sale of agricultural products grown on site shall be permitted as an accessory use in the (C) and (A) zones, subject to the following specific criteria:

1. All structures used to display goods shall be no more than five hundred (500) square feet in size, and shall maintain a setback of fifteen (25) feet from the edge of the road right-of-way.

2. At least fifty percent (50%) of the products sold must be produced on the site.

3. A maximum of two signs shall be permitted and shall not exceed fifteen (15) square feet in total area, nor exceed a maximum height of fifteen (15) feet.

4. Off-street parking shall be provided for all employees and customers.

5. All outdoor display areas shall be set back at least twenty-five (25') feet from the street right-of-way.

6. All structural improvements (including parking and loading facilities, but not including a freestanding sign) shall be screened from adjoining land within a residential or VMU zoning district.

Section 1872. Sawmills

A. Within the (A) and (I-2) Zones, sawmills are permitted by conditional use or special exception, subject to the following criteria:

1. All cutting, sawing, grinding, or other processing shall be conducted within a completely-enclosed building.

2. No material shall be deposited or stored, and no building or structure shall be located within five hundred feet (500') of any property line.
3. Any external area used for the unloading, transfer, storage, or deposition of material shall be completely screened from view at the property line. The use of an earthen berm is encouraged where practicable.

4. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting will not back up onto public roads.

5. All access drives onto the site shall be paved for a distance of at least two hundred feet (200’) from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty foot (50’) long gravel section of driveway shall be placed just beyond the preceding two hundred foot (200’) paved section to help collect any mud that may have attached to a vehicle’s wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by person traveling to and from the site;

6. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to (municipality).

7. The hours of operation shall be limited to 7 a.m. to 7 p.m. No operations shall be permitted on weekends or legal holidays.

8. 

Section 1873. Schools, Private and Public, Primary or Secondary

Private and public, primary and secondary schools are permitted in the (C), (A), (R-1), (R-2), and (R-3) zones by conditional use or special exception, and in the (VMU), (C-1) and (C-2) zones by right, all subject to the following:

A. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five feet (25’) from all property lines. Outdoor play areas shall be completely enclosed by a minimum four foot (4’) high fence, and screened from adjoining land within the (R-1), (R-2), (R-3) or (VMU) Zones. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);

B. Enrollment shall be defined as the largest number of students under educational supervision at any one time during a seven (7) day period.

C. Passenger “drop-off” areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

D. All educational uses shall be governed by the height and bulk standards imposed upon principal uses within the underlying zone:

E. Minimum setback requirements:

1. Front yard: 50 feet.
2. Side yard: 50 feet.
3. Rear yard: 50 feet.

F. Minimum street frontage: 100 feet.

G. Maximum building coverage: 30%
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H. Maximum lot impervious coverage: 70%
H. Minimum vegetative coverage: 30%
I. All off-street parking shall be set back at least 25 feet and screened from adjoining property lines.
J. No part of the school property shall be located within 1,000 feet of a property containing an adult-related facility.
K. The (governing body) or Zoning Hearing Board shall decide the appropriateness of the design of parking, lighting and similar features of the proposed use to minimize adverse impacts on adjacent properties.
L. Existing trees and vegetation shall be preserved to the extent possible to keep the area natural.

Section 1874. Shotgun, Rife, Pistol or Archery Ranges (outdoor)
A. Within the (C) and (A) Zones, shotgun, rifle, pistol and/or archery ranges are permitted by conditional use or special exception, subject to the following criteria:

1. Minimum lot area: 10 acres.
2. Minimum lot width: 300 feet.
3. Adjacent areas must be predominantly undeveloped and all range facilities including buildings, parking, and firing range shall be at least 200 feet from any property or street right-of-way line. The use must also be located at least 1,000 feet from any existing residential dwelling.
4. An earthen background berm must be provided within 20 feet of the farthest target post to prevent wild or ricocheting bullets or wild or stray arrows. The berm shall meet the following requirements:
   a. The berm shall have a slope of not less than one vertical to two horizontal feet and must extend at least eight feet above the ground level of the highest target.
   b. The crest of the berm at the eight-foot-minimum height limit shall be at least four feet in width as measured between the wall of the berm facing the range and the opposite wall.
   c. Earthen side berms, as described above, shall be provided immediately adjacent to the range and shall extend from the firing line to the background berm.
5. Only targets mounted on target posts shall be permitted. No targets of any kind shall be set directly on the ground.
6. Adult supervision must be provided for children under 16 years of age.
7. Shooting Range Operations:
   a. May not damage the health, safety or welfare of the (Municipality) or its residents and property owners;
   b. Must comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm;
c. Shall limit the storage of ammunition to only that utilized for each day’s activity, and in no event shall ammunition remain on the property for greater than twenty-four (24) hours. The storage of live ammunition may only occur indoors in an area secured from general access;

d. Shall limit the number of active shooters to the number of firing points or stations identified on the development plan;

e. Alcohol beverages are prohibited.

9. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan;

10. The firing range, including the entire Safety Fan, shall be enclosed with a six foot (6’) high non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight inch (8’) tall, red letters on a white background shall be posted at a minimum of one hundred foot (100’) intervals around the range perimeter. Signs shall read “Shooting Range Area. Keep Out!”

11. Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range flood, and the perimeter of the Safety Fan;

12. All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials;

13. Sound abatement shields or barriers shall be installed on shooting ranges;

14. No part of a shooting range property shall be located within one-quarter (1/4) mile of any land within the (R-1) or (V) Zones.

Section 1875. Slaughterhouse, Stockyard or Tannery

A. Within the (I-2) Zone, a slaughterhouse, stockyard or tannery are permitted by conditional use or special exception, subject to the following criteria:

1. Minimum Lot Area: Five (5) acres;

2. The subject site shall have access to a collector or arterial road;

3. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely-enclosed building;

4. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding;

5. The applicant shall furnish a working plan for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented;

6. All animal wastes shall be regularly cleaned up daily and properly disposed of, so as not to be objectionable at the site’s property line;
7. The unloading of live animals from trucks into holding pens and their movement into the plant shall be to immediately identify and appropriately dispatch any obviously ill or injured animals;

8. The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels;

9. The loading and unloading of trucks shall be restricted to the hours between 8 a.m. and 6 p.m.;

10. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred feet (200') of any property line nor five hundred feet (500') of any land within the (R-1), (R-2), (R-3) or (VMU) Zones;

11. All animal holding pens and/or areas used for the unloading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty foot (50') wide landscape strip;

12. Sewer and water lines shall be designed and installed to minimize the potential for leakage and contamination;

13. Wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed in any other manner inconsistent with PA DEP regulations.

14. All unusable animal by-products shall be stored indoors in leak and vector proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours;

15. The applicant must demonstrate written compliance with and continue to comply with, all applicable local, State and Federal standards and regulations;

16. The use shall provide sufficiently long stacking lanes and on-site loading/unloading areas so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road;

17. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with major collector or arterial roads;

18. All access drives onto the site shall have a paved minimum thirty-five foot (35') wide cartway for a distance of at least two hundred feet (200') from the street right-of-way. In addition, if portions of on-site access drives are unpaved, then a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding two hundred foot (200') paved section to help collect any mud that may have attached to a vehicle’s wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site; and,

19. The applicant shall furnish a traffic impact report prepared by a professional engineer in accordance with Section _____ of the Subdivision and Land Development Ordinance.

Section 1876. Solid Waste Processing and/or Disposal Facilities

A. Within the (I-2) Zone, solid waste processing and/or disposal facilities shall be permitted by conditional use or special exception, subject to the following criteria:

1. The applicant shall obtain any required permit or permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any successor agency thereto, and shall present such permit or permits to the (governing body) or Board of Zoning Appeals.
2. The applicant shall present duplicate sets of plans, specifications, applications and supporting data that have been or shall be presented to the Department of Environmental Protection for review to the (municipality) (governing body) or Board of Zoning Appeals. If a conditional use or special exception is granted, the operator shall continue to present such documentation to the (municipality) when it is submitted to the Pennsylvania Department of Environmental Protection.

3. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Municipal Waste Planning, recycling and Waste Reduction Act or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating waste recycling and recovery, and the regulations of the Department of Environmental Protection implementing such statutes.

4. The minimum lot area shall be 50 acres for solid waste disposal facilities and 10 acres for solid waste processing facilities.

5. A fence measuring eight feet high shall enclose the facility. The fence used shall have openings less than three inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the facility, with plantings at least 36 inches high and placed in a double-staggered row with not less than five feet on center between plants. The vegetation shall be evergreen and of a variety to obtain a height of at least eight feet at maturity. All screening shall be in accordance with the (municipality) Subdivision and Land Development Ordinance, and buffer yards required shall be in accordance with this Ordinance. The use shall be screened completely from normal view.

6. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the (municipality) (governing body) or Zoning Hearing Board a hydrogeologic study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with the accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.

7. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, gates, locks or other means to deny access at unauthorized times.

8. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.

9. Sufficiently long vehicle-stacking lanes (inspected and approved by the Municipal Engineer) into the facility shall be provided so that vehicles waiting to be weighed will not back onto public roads.

10. All driveways onto the site shall be paved to a cartway width of 35 feet for a distance of at least 200 feet from the street right-of-way line. In addition, a one-hundred foot long crushed stone section of access drive shall be placed just beyond the preceding two-hundred-foot paved section to help collect any mud that may be attached to a vehicle’s wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site.

11. The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site.

12. A traffic study shall be required in accordance with the (municipality) Subdivision and Land Development Ordinance to demonstrate improvements to (municipality) or state roads which shall be required in order to serve the proposed use or to alleviate the direct impacts of the proposed use.
upon the traffic network. The applicant shall make such improvements and/or provide or guarantee financial security in an amount sufficient to cover the cost of such improvement.

13. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.

14. The operator shall provide the (municipality) with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two weeks form the date such notice of violation was received by the operator.

15. The applicant shall submit an operating schedule to (municipality) for review by the Zoning Officer.

16. Litter control measures shall be implemented to prevent scattering of materials and a plan for the cleanup of litter shall be submitted to the (municipality) Zoning Officer or other authorized municipal official.

17. All municipal waste awaiting recycling or resource recovery shall be stored within an enclosed area bounded by solid walls or fences.

18. A three-hundred-foot setback shall be maintained from all property lines during the operation of the recycling or resource recovery facility within which recycling or resource recovery activities shall be permitted.

19. No structures or parking areas shall be located closer than 300 feet to any property line.

20. Where screening, plantings or fencing has been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials which die shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.

21. The unloading, transfer and disposition of materials shall be continuously supervised by a qualified facility operator. Vibrations and emissions into the air shall not be permitted outside the property. All regulations relating to the control of noise shall be observed.

Section 1877. Special Occasion Homes

A. Within the (C), (A), (R-1), (R-2), (R-3), (VMU), and (C-1) Zones, special occasion homes are permitted by conditional use or special exception and in the (C-2) and (INS) Zones by right, subject to the following criteria:

1. Special occasion functions may be conducted on the grounds surrounding the home and in buildings accessory to a residential home.

2. Catered food service from a licensed facility is permitted without additional licensing requirements.

3. The use of a residential dwelling for a special occasion home must be approved by the (municipality’s) Sewage Enforcement Officer and the system upgraded if necessary.

4. The source of water to be used by the special occasion home shall be a potable water source as certified by a test laboratory and a certified provider.

5. All special occasion homes shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety and fire codes of the federal, state or local government.

Section 1878. Taverns and Nightclubs
A. Taverns and nightclubs shall be permitted by right in the (VMU), (C-1) and (C-2) Zones, subject to the following criteria:

1. The site shall be located a minimum of 150 feet from any school, child or adult day-care facility, community activity center, cultural facility or church or house of worship.

2. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties, owing to hours or operation, light, and/or litter.

3. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside of the building. Noise levels shall not exceed 45 dBA or 5 dBA above ambient noise levels as measured at the side and rear property lines.

4. A working plan for the cleanup of litter shall be furnished and implemented by the applicant

Section 1879. Temporary Housing for Farm Employees

A. Temporary housing for farm employees shall be permitted by right in the (C) and (A) zones, subject to the following criteria:

1. For each farm, temporary homes are permitted for the use of farm workers (and their families) who are employed by the owner of the farm, for such time as the employee works the land of the owner.

2. All such homes shall further comply with all setback requirements imposed upon single-family detached dwellings.

3. Where mobile homes are utilized, they shall be securely anchored to a mobile home stand; a six (6) inch thick poured concrete slab over a six (6) inch stone base, the length and width shall be at least equal to the dimensions of the mobile home. Each mobile home pad shall include properly-designed utility connections.

Section 1880. Truck Stops or Motor Freight Terminals

A. Within the (I-2) Zone, truck stops or motor freight terminals are permitted by conditional use or special exception, subject to the following criteria:

1. The subject property shall have a minimum of three hundred feet (300’) of road frontage along an arterial road;

2. The subject property shall be located no closer than fifteen hundred feet (1500’) from a (R-1), (R-2), (R-3) or (VMU) Zone and/or property containing a school, daycare facility, park, playground, library, hospital, or nursing, rest or retirement home;

3. Air compressors, fuel pump islands and kiosks and other structures may be within fifteen (15’) of the street ROW line.

4. All access drives onto the same road shall be at least one hundred fifty feet (150’) from one another, as measured from closest points of cartway edges;

5. Off-street parking shall be provided at a rate equal to that required for each of the respective uses. The applicant shall also present credible evidence that the number of “oversized” off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by truck patrons.
6. Trash receptacles shall be provided amid off-street parking areas which shall be routinely emptied. Furthermore, a working plan for the regular clean-up of litter shall be furnished and continuously implemented by the applicant;

7. All uses involving drive-thru restaurant and/or drive-thru vehicle service and/or washing shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;

8. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted;

9. The outdoor storage of unlicensed vehicles is prohibited.

10. All vehicles and machinery shall be repaired and removed from the premises promptly;

11. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof, shall be removed within two (2) weeks after arrival;

12. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines;

13. The applicant shall submit a traffic impact report as governed by the (municipality) Subdivision and Land Development Ordinance.

14. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations. In addition, the applicant shall prepare, present and abide by an emergency response plan to handle hazardous material spills and any other reasonable threat to public health or safety; and,

15. Minimum lot size is 10 acres.

Section 1881. Warehousing and Wholesale Trade Establishments

A. Within the (I-1) and (I-2) Zones, warehousing and wholesale trade establishments are permitted by conditional use or special exception, subject to the following criteria:

1. The applicant shall provide a detailed description of the proposed use in each of the following topics:

   a. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;

   b. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size;

   c. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in this Ordinance.
2. A traffic impact report prepared by a professional traffic engineer, according to (Municipality) Subdivision and Land Development Ordinance; and,

3. Minimum lot size is one (1) acre.

Section 1882. Wind Energy Facility

Non-personal wind energy facilities shall be permitted in the (C), (A), (I-1) and (I-2) zones by conditional use or special exception, subject to the following:

A. Definitions

1. “Applicant” is the person or entity filing an application under this section.

2. “Facility Owner” means the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.

3. “Operator” means the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

4. “Hub Height” means the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

5. “Occupied Building” means a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

6. “Shadow Flicker” means alternating changes in light intensity caused by the moving Wind Rotor blade casting shadows on the ground and stationary objects.

7. “Turbine Height” means the distance measured from the surface of the tower foundation to the highest point of the Wind Rotor.

8. “Wind Turbine” means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

9. “Wind Energy Facility” means an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

10. “Non-Participating Landowner” means any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

B. Applicability

1. These provisions apply to all wind Energy Facilities proposed to be constructed after the effective date of the Ordinance, except that this Ordinance is not intended to apply to stand-alone Wind Turbines constructed primarily for use on the property upon which the Wind turbine is located. Where permitted, stand alone Wind Turbines constructed primarily for use on the property upon which the Wind Turbine is located shall conform to the following requirements:

   a. Any structure supporting the Wind Turbine, including guideposts and cables, shall be independent of any occupied structure and located a minimum distance of the Turbine
Specific Criteria for Special Exceptions, Condition Uses & Uses Permitted by Right

Model Zoning Ordinance

1. All Wind Turbines shall have a minimum height of 20 feet from the ground and shall not be more than 75 feet in height.

b. The minimum distance between the Wind Turbine and any property line shall not be less than twice the Turbine Height.

c. The minimum distance between the ground and the lowest point of the Wind Rotor blade shall be 20 feet.

d. All electrical or utility lines shall be buried underground.

e. One Wind Turbine shall be permitted per lot, and all energy produced from such turbine shall be used on the lot.

f. The Wind Turbine shall be enclosed by a six foot fence with locking gate or the base of the Wind Turbine shall not be climbable for a distance of 12 feet.

2. Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any physical modification to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit under this Ordinance.

C. A Wind Energy Facility shall be permitted in the (C), (A), (I-1) and (I-2) Zones as a conditional use or special exception subject to the following criteria:

1. Any physical modification to an existing and permitted wind energy facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a conditional use or special exception permit modification under this Ordinance. Like kind replacements shall not require a permit modification.

2. The design of the Wind energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificate of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Lloyd Wind Energies, or other similar certifying organizations.

3. To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, 34 PA Code §§403.1 – 403.142

4. All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

5. All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

6. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.

6. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

8. Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner or Operator.

9. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.

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10. The design of buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening and landscaping that will blend the Wind Energy Facility into the natural setting and existing environment.

11. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

12. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

13. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

14. The minimum distance between the ground and any part of the Wind Rotor blade shall be 30 feet.

15. To limit climbing access, a 6 foot high fence with a locking gate shall be placed around the Wind Energy Facility, or the Wind Turbines’ climbing apparatus shall be limited to no lower than 12 feet from the ground, or the Wind Turbines’ climbing apparatus shall be fully contained and locked within the tower structure.

16. Wind Turbines shall be set back from the nearest Occupied Building or Non-Occupied Building on the participating landowner’s property a distance not less than the greatest normal boundary setback requirements for the zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building or Non-Occupied Building.

17. Wind Turbines shall be set back from the nearest Occupied Building or Non-Occupied Building located on a Non-participating Landowner’s property a distance of not less than two (2) times the Turbine Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied or Non-Occupied Building.

18. All Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification of 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

19. All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

20. Audible sound from a Wind Energy Facility shall not exceed fifty five (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner’s property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for prevision described in AWEA Standard 2.1 – 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I, First Tier.

21. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner’s property.

D. Use of Public Roads
Model Zoning Ordinance

1. The Applicant shall identify all state and local public roads to be used within (municipality) to transport equipment and parts for construction, operation or maintenance of the Wind energy Facility.

2. The (municipality) engineer or a qualified third party engineer hired by the (municipality) and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

3. (Municipality) may bond the road in compliance with state regulations.

4. Any road damage caused by the applicant or its contractors shall be promptly repairs at the Applicant’s expense.

5. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

E. Local Emergency Services

1. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).

2. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

F. Signal Interference

1. The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

G. Liability Insurance

1. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $1 million in the aggregate. Certificates shall be made available to (municipality) upon request.

H. Decommissioning

1. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind turbines, within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

2. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and ANY other associated facilities.

3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

4. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). Said estimates shall be submitted to (municipality) after the first year of operation and every fifth year thereafter.
5. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than one hundred percent (100%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by (municipality).

6. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to (municipality).

7. If the Facility Owner or Operator fails to complete decommissioning within the period, prescribed above, then the landowner shall have six (6) months to complete decommissioning.

8. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by above then (municipality) may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to (municipality) shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that (municipality) may take such action as necessary to implement the decommissioning plan.

9. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and (Municipality) concurs that decommissioning has been satisfactorily completed, or upon written approval of (Municipality) in order to implement the decommissioning plan.

I. Public Inquiries and Complaints

1. The Facility Owner and Operator shall maintain a phone number and identify responsible person for the public to contact with inquiries and complaints throughout the life of the project.

2. The Facility Owner and Operator shall make reasonable efforts to respond to the public’s inquiries and complaints.

3. The Facility Owner and/or Operator shall keep a record of all such inquiries and complaints and shall submit a report thereof to (Municipality) not less than quarterly.

J. Remedies

1. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this Article, or any permit issued under Article, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of this Article or any permit issued under this Article.

2. If (Municipality) determines that a violation of this Article or the permit has occurred, (Municipality) shall provide written notice to any person, firm, or corporation alleged to be in violation of this Article or permit. If the alleged violation does not pose an immediate threat to public health or safety, (Municipality) and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation.

3. If after thirty (30) days from the date of the notice of violation (Municipality) determines, in its discretion, that the parties have not resolved the alleged violation, (Municipality) may institute civil enforcement proceedings or any other remedy at law to ensure compliance with this Article or permit.
K. Application for Wind Energy Facilities

1. Among other things, the application shall contain the following:

   a. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

   b. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility and setting forth the Applicant’s and property owner’s name, address and phone number.

   c. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.

   d. A site plan showing the planned location of each Wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

   e. Documents related to decommissioning.

   f. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the (Municipality) to ensure compliance with this Ordinance.

2. Throughout the permit process, the applicant shall promptly notify (municipality) of any changes to the information contained in the conditional use permit application. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.
ARTICLE 19

“SSPD” STEEP SLOPE PROTECTION OVERLAY DISTRICT

Section 1900. Purpose

The purpose of the Steep Slope Protection District (SSPD) is to conserve and protect those areas having slopes as defined herein from inappropriate development as well as to permit and encourage the use of said areas for open space purposes in order to constitute a harmonious aspect of the continuing physical development of (municipality). In implementing these principles and the general purposes of this Article and the (municipality) Comprehensive Plan, the following specific objectives are intended to be accomplished by this Article:

A. To combine with other zoning requirements, as an overlay zoning district, certain restrictions for steep slope areas to promote the general health, safety and welfare of the residents of (municipality).

B. To prevent inappropriate development of steep slope areas in order to avoid potential dangers for human usage caused by erosion, stream siltation, and soil failure leading to structural collapse or damage and/or unsanitary conditions and associated hazards.

C. To minimize danger to public health and safety by promoting safe and sanitary drainage.

D. To relate the intensity of development to the steepness of terrain in order to minimize grading, removal of vegetation, runoff and erosion, and to help ensure the utilization of land in accordance with its natural capabilities to support development.

E. To promote only those uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetative cover, by restricting the grading of steep slope areas.

F. To promote the ecological balance among those natural systems elements (such as wildlife, vegetation, and aquatic life) that could be affected by inappropriate development of steep slope areas.

G. To prevent development that would cause excessive erosion and a resultant reduction in the water-carrying capacity of the watercourses which flow through or around (municipality) with the consequences of increased flood crests and flood hazards within (municipality) and to both upstream and downstream municipalities.

H. To minimize the potential harmful effects to individuals and adjacent landowners in (municipality) and/or other municipalities caused by inappropriate grading and development on steep slopes.

I. To advise those individuals who choose, despite the dangers, to develop or occupy land with steep slopes; to protect residents from property damage and personal injury due to runoff, erosion, or landslides attributable to a nearby development on steeply sloped land.

J. To protect (municipality) from inappropriate development of steep slope areas which could have an effect upon subsequent expenditures for public works and disaster relief and, thus, adversely affect the economic well-being of (municipality).

K. To promote the provisions of safe and reliable access ways, parking areas, and utility systems serving development on or around steep slope areas, where more sensitive grading is essential.

Section 1901. Boundary of District

A. The Steep Slope Protection District shall be defined and established as those areas of (municipality) having slopes of 15% or greater as determined from topographic studies or evaluation. The slope shall be determined prior to excavation, grading, or other movement of soil or rock. Any lot which contains
land which lies within the Steep Slope Protection District (i.e., with slopes of 15% or greater) shall be subject to the regulations of the Steep Slope Protection District.

B. All lots within the Steep Slope Protection District with average slopes, as defined herein, of less than 15% would not be subject to the provision of this Article, unless the requested use, including yard requirements, would be on any portion of the lot exceeding a slope of 15% or the requested use is for parking areas in the excess of a slope of 6%.

Section 1902. Steep Slope Protection District Overlay Concept

The Steep Slope Protection District shall be deemed to be an overlay zoning district on any zoning district now or hereafter enacted to regulate the use of land in (municipality).

A. The Steep Slope Protection District shall have no effect on the permitted uses or regulations in the underlying zoning district, except where the development intended is to be located within the boundaries of the Steep Slope Protection District.

B. In those areas of (municipality) where the Steep Slope Protection District applies, the requirements of the Steep Slope Protection District shall supersede any less stringent requirements of the underlying zoning district.

C. Should the zoning classification of any parcel, or any part, which the Steep Slope Protection District is an overlay be changed, such change in the classification shall have no effect on the boundaries of the Steep Slope Protection District, unless an amendment to boundaries was included as part of the proceedings where the zoning was changed.

Section 1903. Boundary Interpretation and Appeals Procedures

An initial determination as to whether the Steep Slope Protection District regulations apply to a given parcel shall be made by the Zoning Officer and/or (municipality) Engineer. Any party aggrieved by the decision of the Zoning Officer and/or (municipality) Engineer, either because of an interpretation of the location of the Steep Slope Protection District boundary or because the criteria used in delineating the boundary, as set forth in this Ordinance are incorrect because of changes due to natural or other causes, may appeal such decision to the Zoning Hearing Board.

Section 1904. Land Use and Development Regulations in Steep Slope Protection District

A. For any lot which contains land included in the Steep Slope Protection District, the following land use and development regulations shall apply.

1. The average slope of the entire lot shall be determined according to the formula;

   \[ S = (0.0023/A) \times I \times L \]

   Where:
   
   \begin{align*}
   S & = \text{Average slope in percent} \\
   0.0023 & = \text{A factor for the conversion of square feet into acres} \\
   I & = \text{Contour interval (in feet) of a topographic map of the parcel} \\
   L & = \text{Combined length (in feet) of or along all contour lines measured} \\
   A & = \text{Acreage of the subject parcel’s buildable area}
   \end{align*}

2. In all areas of (municipality) where the slope is 15% or greater, the minimum lot size for a parcel of land having such severe slope shall be:

   a. Three acres when the percent slope of the site is 15% or more.

   b. Five acres when the slope of the site is 18% or more.
c. Ten acres when the slope of the site is 20% or more.

d. Exception: The lot sizes set forth in Subsection B(1) through (3) above will not apply in those circumstances where the lot owner or any developer can provide a contiguous area of the lot which does not have any of the severe slope averages set forth above and is at least the size of the minimum lot sizes for the zoning district in which the lot is located. When this exception is selected by the lot owner or developer, the area of the lot which is severe slope area (i.e., that portion not included in the area selected by the lot owner/developer for meeting the zoning district minimum lot size) shall not be used for any land development except for a driveway easement access or public utility access to the lot and is intended to remain in a natural state or condition so far as is possible.

3. Any lot which shall have an average slope of at least 15% but not more than 18% shall have a maximum impervious surface area of 20% of the lot area.

4. Any lot which shall have an average slope of at least 18% but not more than 25% shall have a maximum impervious surface area of 10% of the lot area.

5. All freestanding structures, buildings and substantial improvements (with the exception of utilities where no other location is feasible) are prohibited on slopes of 25% or greater.

6. Never shall more than 5% of the area be regraded or vegetation cover disturbed by the exceptions, if they are granted.

7. All swimming pools, junkyards, sanitary landfills, and outdoor storage of vehicles or materials are prohibited on slopes of 15% or greater.

8. Driveways and roadways shall not exceed a slope of 10% within 25 feet of the street right-of-way lines. Parking areas shall not be in excess of 6%. Access drives shall not be in excess of 4% within 75 feet of the intersecting street center line.

9. Applicants for permits required by this Ordinance shall present evidence of approval of any required erosion and sedimentation plan or any required stormwater management plan prior to issuance of any permit.

Section 1905. Uses Permitted within the Steep Slope Protection District

A. All uses permitted within the underlying zoning district, except those specifically prohibited above, shall be permitted by conditional use or special exception on the Steep Slope Protection District.

B. Any application requesting a conditional use or special exception for a use permitted by same shall be accompanied by a plan certified by a registered professional engineer, a registered surveyor, or a registered landscape architect. In addition to any information required for an application for a conditional use or special exception, such plan shall show:

1. The location of the proposed use with respect to the areas of the lot determined to have slopes in excess of 15%.

2. The location of the proposed use with respect to existing development within the property.

3. Nature of the proposed use.

4. Topographical surveys showing the contours of the property in two-foot intervals. The plans shall also include a reference benchmark used.
5. Typical tract cross sections at a scale of not more than one inch equals 100 feet and
typical tract cross sections at a vertical and horizontal scale. There shall be a minimum
of one cross section for the first five acres or less of lot or tract area and one cross section
for each five acres or portion thereafter.

6. Calculations to determine the average slope of the lot in accordance with this Article.

7. Surface view of construction, grading or fill elevations.

8. Size, location and arrangement of all proposed and existing structures on the site, as well
as specifications for building construction and materials and storage of materials.

9. Location, elevation, and specifications for water supply, sanitary facilities and streets,
including entrance drive.

10. A soils engineering report regarding site characteristics of the subject property, to include
the nature, types, distribution and suitability of subsurface soils for load bearing, stability,
and compaction; extent, description, and location of exposed rock; erodability of surface
soil; engineering and conservation techniques to be used to prevent erosion and alleviate
environmental problems created by the proposed development activities; permeability
and available water infiltration capacity; depth to bedrock and seasonal high water table;
the means of accommodating stormwater runoff; proposed modifications to the existing
topography and vegetative cover; and the location, type and intensity of vegetative cover
on the subject property.

11. A geophysical-hydrologic report investigating conditions of the subject property’s
underlying geologic formation and the hydrological characteristics of the proposed
development. Such report shall demonstrate that any adverse impacts of the proposed
development can be addressed in such a manner as to prevent the hazards to life and
property and to maintain amenable site features for stormwater management, soil erosion
and sedimentation control, vegetative cover and exposed rock stability.

C. The applicant for any conditional use or special exception shall request the review and
recommendations of the ____________ County Conservation District at least 45 days prior to the
hearing by the (governing body) or Zoning Hearing Board and shall present evidence that such review
has been requested.

D. The applicant shall request, at least 45 days prior to the hearing before the (governing body) or the
Zoning Hearing Board, the review and recommendations of the (municipality) Planning Commission
and shall present evidence that such review has been requested.

E. The applicant shall demonstrate compliance with any applicable stormwater management ordinance
regulations pertaining to the proposed development, including but not limited to stormwater
management regulations contained in the (municipality) Subdivision and Land Development
Ordinance.
ARTICLE 20
TRANSFER OF DEVELOPMENT RIGHTS

Section 2000. Purpose

The purpose of this Article is to provide a mechanism for transferring development rights between properties in order to achieve the following objectives:

A. To direct and encourage compact development in Receiving Areas where there is existing infrastructure.

B. To discourage development in designated Sending Areas, so as to protect the environment, preserve open space, preserve farmland, preserve historic buildings and properties, reduce traffic congestion, and minimize the need for public spending on infrastructure expansion;

C. Protect property rights by allowing land owners whose land is intended for preservation to voluntarily transfer their right to develop to other areas of (municipality) deemed appropriate for higher density development based on the availability of community facilities and infrastructure.

D. To conserve public funds by concentrating development in areas where public infrastructure and services are most efficiently provided;

E. To balance long-term tax revenue reductions in areas planned for limited development with long-term revenue increases in areas planned for concentrated development; and

F. To accomplish the above objectives in a manner in which landowners are compensated for reductions in long-term development potential through transfers with other landowners who benefit from increases in development potential.

Section 2001. Severability and Transferability

A. (Municipality) hereby recognizes the ability to sever Development Rights designated by this Article from certain properties in (municipality), in accordance with Section 619.1 of the Pennsylvania Municipalities Planning Code (MPC).

B. Development Rights may be severed or transferred subject to the following conditions:

1. The severance of Development Rights as a separate interest in real estate shall be solely at the volition of the owner of property located in designated Sending Areas.

2. The sale of Development Rights shall be solely at the volition of the owner of a property located in designated Sending Areas.

3. Under no circumstances shall (municipality) compel the severance or subsequent transfer of Development Rights. Property owners may pursue development of their lands in accordance with the applicable standards of the underlying zoning district.

C. Development Rights may be severed and attached only to those properties meeting the criteria below, and no others, subject to the following conditions:

1. Development Rights may be utilized upon a property designated in an eligible “Receiving Area” and in accordance with the zoning regulations for the district in which the subject property is located.

2. The purchase of Development Rights shall be solely at the volition of the buyer.
3. The buyer may, but need not, be the current owner of property within a Receiving Area. Purchasers may include conservation organizations such as conservancies, or may be individuals interested in the potential future sale of Development Rights to a landowner within a designated Receiving Area. Development Rights, once purchased, may be applied to a tract of land in a designated Receiving Area designated by this Article, may be held for investment or other purposes, may be donated to a land conservancy or a public agency, or may be resold by the purchaser.

4. Under no circumstances shall (municipality) require the purchase of Development Rights in order to develop land for any use within a Receiving Area.

Section 2002. Sending Districts

A. The following areas are hereby designated as Transfer of Development Rights (TDR) Sending Districts: those areas designated as an overlay district entitled TDR Sending District on the (municipality) official Zoning Map.

B. Land located in a Sending District may transfer residential density Development Rights and/or non-residential square footage Development Rights as calculated below.

C. In accordance with Pennsylvania Municipalities Planning Code (MPC) Section 619.1(d), in the case of a joint municipal zoning ordinance, or a written agreement among two or more municipalities, Development Rights shall be transferable within the boundaries of the municipalities comprising the joint municipal zoning ordinance or where there is a written agreement, the boundaries of the municipalities who are parties to the agreement.

Section 2003. Receiving Districts

A. The following areas are hereby designated as Transfer of Development Rights Receiving Districts: those areas designated as an overlay district entitled TDR Receiving District on the (municipality) official Zoning Map.

B. Land located in a Receiving District may receive dwelling unit Development Rights and/or non-residential square footage Development Rights as calculated below.

C. In accordance with Pennsylvania Municipalities Planning Code (MPC) Section 619.1(d), in the case of a joint municipal zoning ordinance, or a written agreement among two or more municipalities, Development Rights shall be transferable within the boundaries of the municipalities comprising the joint municipal zoning ordinance or where there is a written agreement, the boundaries of the municipalities who are parties to the agreement.

Section 2004. Calculation of Transferable Development Rights


B. The number of Transferable Development Rights available for transfer is determined as follows:
   1. Determine the gross tract area.
   2. Where the tract contains any of the following features:
      a. Flood hazard area as depicted on the Flood Hazard Map
      b. Slopes of 25% or greater, as depicted on the U.S. Geological Survey Topographical Map(s)
containing the property

c. Wetlands, as shown in the National Wetlands Inventory
d. Riparian corridors
e. Surface lakes or ponds

The area comprising such feature(s) shall be deducted from the gross tract area. The (municipality), at its discretion, may provide and/or accept alternative sources of documentation for any of the above features

3. Where the tract contains a dwelling unit or units in existence at the time of the calculation deduct two acres of gross tract area for each dwelling unit.

4. Where the tract contains non-residential development (commercial, institutional, or industrial) subtract any developed area, including required setbacks, parking and buffer areas. The product is the net developable area from which Development Rights can be transferred.

5. Deduct any portion of the tract that is restricted against development by covenant, easement or deed restriction.

6. For residential uses, multiply the gross tract area, as reduced above, by 5.0 where the Sending Area is zoned “C” Conservation or “A” Agriculture, or 1.5 where the Sending Area is zoned “R-1”, “R-2”, “R-3”, or “VMU”. The product is the number of dwelling units that can be transferred to property in a Receiving Area.

7. For non-residential uses, multiply the net developable area, as calculated above, by 7,000 square feet. The product is the net development square footage of Development Rights that can be transferred to property in a Receiving Area where non-residential uses are permitted.

C. The residential density of permitted uses in the Receiving Area shall not exceed one hundred twenty-five percent (125%) of the maximum residential density of the underlying zoning. A Special Exception Permit shall be required to exceed the limit of one hundred twenty-five percent (125%) provided that in no case shall residential density exceed eighteen (18) units per acre.

D. The sending site landowner may transfer some or all of the Development Rights from the site.

E. Where a portion, but not all, of the Development Rights allocated to the Sending Area tract are severed according to the terms of this Article, any future calculation of Development Rights shall be reduced by the number of Development Rights previously severed.

F. Where a landowner and the Planning Commission are in agreement on the amount of Development Rights allocated, the Planning Commission shall make a recommendation to the (governing body) regarding the number of development rights available on the property.

G. Upon receiving the recommendation from the Planning Commission, the (governing body) shall make a final determination of the number of Development Rights available on the property and shall provide a written certification of that number to the landowner.

H. Any landowner dissatisfied with the (governing body’s) determination and certification of the amount of development rights allocated to the tract may appeal the action of the (governing body) to the (municipality) Zoning Hearing Board.
Section 2005. Permitted Uses and Exceptions

A. In addition to the permitted uses and special exceptions allowed by the underlying zoning district, where the Receiving District Overlay is applied, the following residential uses are allowed as permitted uses with the utilization of Transferable Development Rights:

1. Single-family dwellings
2. Two-family dwellings
3. Multiple-family dwellings
4. Townhouses or cluster housing

Section 2006. Severance of Transferable Development Rights

A. Where Transferable Development Rights are proposed to be severed from a property to which they have been allocated, such Development Rights shall be conveyed by a Deed of Transferable Development Rights duly recorded in the Office of the _______ County Recorder of Deeds. The Deed of Transferable Development Rights shall specify:

1. The tract of land within the Receiving Area to which the Development Rights shall be permanently attached; or

2. That the Development Rights shall be:
   a. sold or otherwise transferred to (municipality); or
   b. sold or otherwise transferred in gross to another person, organization or entity consistent with the terms of this Article.

B. Where the proposed severance will result in Development Rights allocated to the tract being severed from it, the Deed of Transferable Development Rights shall be accompanied by a restrictive covenant or easement that shall permanently restrict development of that Sending Area parcel, or portion thereof.

C. Per Pennsylvania Municipalities Planning Code (MPC Section 619.1(c)) deeds of Transferable Development Rights and restrictive covenants/easements shall be endorsed by the (municipality) (governing body) prior to recording, dated not more than 60 days prior to the recording.

1. Deeds submitted to (municipality) for endorsement shall be accompanied by a title search of the sending area tract(s) and a legal opinion of title affirming that the Development Rights being transferred by the Deed have not been previously severed from or prohibited upon the Sending Area tract.

2. The title report shall be prepared no more than ten (10) days prior to submission of the Deed. The legal opinion of title must meet the reasonable approval of the (municipality) Solicitor.

D. If the Deed of Transferable Development Rights would entail less than the entire number of Development Rights then available to be severed, it shall also include a notation of:

1. The total number of Development rights then available to the entire parcel; and
2. The number of Development Rights to be severed; and
3. The number of Development Rights that will remain following the proposed transaction.

E. If the agreement of sale of Development Rights would entail less than the entire number of Development Rights represented by a recorded Deed of Transferable Development Rights, the applicant shall indicate in the Deed the disposition of the remaining Development Rights.
Section 2007. Deed of Transferable Development Rights

A. Development Rights shall be created and transferred by means of a Deed of Transferable Development Rights in a form approved by the (municipality) Solicitor. The deed shall specify the amount of Development Rights to which the owner of the deed is entitled, expressed in the number of dwelling units or square footage of non-residential development. Development Rights shall be considered as interests in real property and may be transferred in portions or as a whole.

B. Procedure for Obtaining a Deed of Transferable Development Rights. An owner of land in a Sending District may apply for a determination, by the (municipality) (governing body), as advised by the Planning Commission and Zoning Officer, of the Development Rights that are permitted on the property. The Planning Commission may forward the application and any accompanying plans to other municipal boards and officials for review and comment prior to making the determination. Within forty-five (45) days of submission of an application, the (governing body) shall make its determination in a regular meeting and may approve a Deed of Transferable Development Rights specifying the Development Rights for the property in question. The determination shall not require a public hearing or notice to the abutting property owners. The (governing body) shall approve the creation of the Transferable Development Rights during a regular public meeting of the (governing body).

C. The Deed of Transferable Development Rights shall be duly recorded in the Office of the Recorder of Deeds of _____ County. The (governing body) shall forward a copy of an approved Deed of Transferable Development Rights to the Office of the Recorder of Deeds of ____ County. The municipal clerk shall maintain an official register of such deeds and such deeds shall be made available for public inspection. Deeds of Transferable Development Rights, once exercised for purposes of development shall be cancelled by the Clerk immediately thereafter, and a note to that effect shall be made in the register and recorded.

D. The covenant or deed restriction shall run in favor of (municipality) or an approved conservation organization. The covenant shall be recorded with the deed for the land from which the Development Rights are transferred, and a copy of the covenant shall be sent to (1) the municipal Planning Commission, (2) the County Planning Commission, (3) the Building Official, who shall keep a record that the lot in the Sending District shall be restricted with regard to future development, and (4) the Tax Assessor, who shall adjust the assessed value of the property in the Sending District based upon the decrease in the development potential of the land. The recorded deed shall specify the lot and block number, or other suitable description of the property sending and receiving the Development Rights.

E. A restrictive covenant or easement restricting development on the Sending District property shall be executed simultaneously with the Deed of Transferable Development Rights. Such restrictive covenant or easement shall be recorded in the Office of ______ County Recorder of Deeds as a deed restriction on the sending property and shall serve to restrict subsequent development of the tract to the remaining number of Transferable Development Rights or the number of development units that may be developed on the subject property. The restriction shall remain either in perpetuity or until the owner of the tract shall sell some or all of the remaining Development Rights or develop the remaining development units allocated to the property. Such restriction shall clearly state the number of transferable Development Rights adhering to the property and/or the remaining number of Development Rights permitted to be developed on the site.

Section 2008. Transferring Development Rights

A. A landowner in a Receiving District may purchase some or all of the Development Rights of a lot(s) in a Sending District as specified on the Deed of Development Rights, at whatever price may be mutually agreed upon by the two parties.

B. An application for a building permit, as well as a submission for a subdivision or land development plan for a lot(s) in a Receiving District shall include documentation of the proposed Transfer of Development Rights, including the property from which the development rights are derived and the amount of development rights proposed to be utilized in the Receiving District.
C. Recording of the Transfer. Prior to the issuance of any building permit for land in the Receiving District the following two documents must be submitted:

1. The owner of the land in the Receiving District, who has acquired the Development Rights, shall file with the municipal clerk five (5) copies of an executed deed of Transfer of the Development Rights from the property in the Sending District.

Section 2009. Sending Area Restrictive Covenant or Easement

Except for retained development rights (not to be severed), if any, the Sending Area must be permanently restricted from future development by a declaration of restriction of development or other restrictive covenant or easement which meets the following requirements:

A. Except where any retained Development Rights are specified, the restrictive covenant or easement on the Sending District property shall permanently restrict the Sending District property from future development of any non-agricultural uses, except for a public park, conservation areas, municipal facilities and similar uses. Where development rights will be severed from less than the entire parcel, the portion of the parcel from which the Development Rights are transferred shall be clearly identified on a plan for the entire parcel, drawn to scale, the accuracy of which shall be satisfactory to (municipality). Such plan shall also include a notation of (1) the number of Development Rights applicable to the entire parcel, (2) the number of Development Rights applicable to the identified portion of the parcel from which the Development Rights are to be severed, and (3) the number of Development Rights which remain available to the remaining portion of the parcel. This plan shall be a part of the restrictive covenant or easement and shall be recorded with it.

B. The restrictive covenant or easement shall be approved by the (governing body) of (municipality), in consultation with the (municipality) solicitor. Final plan approval of any subdivision or land development plan proposing the severance or use of Transfer of Development rights, and endorsement of any Deed of Transferable Development Rights will be contingent upon recording of the restrictive covenant at the __________ County Recorder of Deeds.

C. The restrictive covenant or easement shall designate (municipality) and/or a bona fide conservation organization acceptable to (municipality) at its sole discretion, as the beneficiary/grantee, but shall also designate both (a) all future owners of all or a portion of the Sending Area, and (b) all future owners of any portion of the Receiving Area as having a separate and independent enforcement rights with respect to the restrictive covenants or easement.

D. The restrictive covenant or easement shall apply to the tract of land from which Development Rights are sold. No portion of the tract area used to calculate the number of Development rights to be transferred shall be used to satisfy yard setbacks or lot area requirements for any Development Rights which are to be retained or for any other development.

E. All owners of the tract from which the Development rights are severed shall execute the restrictive covenant or easement. All lien holders of the tract from which Development Rights are severed shall execute a joinder and/or consent to the restrictive covenant or easement.

F. In the “A” Agricultural zoning district, where residential Development Rights are retained, that parcel may be developed with traditional farm/estate building groupings, including, in addition to one primary residence, customary accessory agricultural structures and one tenant residence which shall be less than 50% of the total habitable square footage of the primary residence. In order to be utilized, this option must be specified in the restrictive covenant or easement.
Section 2010. Receiving Area Qualifications and Calculations

Owners of tracts which meet the following requirements may use transferred Development Rights that are purchased from Sending Area landowners.

A. The Receiving Area shall be served by public water and sewer.

B. The maximum total number of additional dwelling units permitted to be developed by the owner of the Receiving Area tract shall be as follows:
   1. 1.1 single-family detached dwelling unit per Development Right;
   2. 1.25 two-family townhouse or quadraplex dwelling units per Development Right;
   3. 1.5 apartment units per Development Right.

C. For non-residential uses, the Development Rights shall be calculated in accordance with this Article.

D. The applicant for use of Development Rights shall demonstrate ownership of the appropriate number of Development Rights, up to the maximum calculated above. The applicant may be the equitable owner of the Development Rights at the time of application, but the applicant shall be required to demonstrate, to the satisfaction of the (municipality) solicitor, legal ownership of all required Development Rights prior to final approval of any subdivision or land development plan utilizing Transfer of Development Rights.

E. The developer shall be entitled to the additional development area authorized by the number of Development Rights transferred, up to the maximum amount of impervious surface, floor area and/or building height established by the underlying zoning district.

F. Design Requirements and Modification of Area and Bulk Standards. A proposed development in a Receiving Area using Transferable Development Rights shall comply with all requirements and design standards applicable in the underlying zoning district in which it is located, except as specifically provided in this Article.

Section 2011. Plan Submittal Process

Applicants for use of Transferable Development Rights shall submit a plan for the Receiving Area which shall meet the requirements of the (municipality) Subdivision and Land Development Ordinance. Along with the plan, applicants shall submit:

A. An agreement for sale of all Development Rights proposed to be purchased from the Sending Area;

B. A note on the plan showing the total number of dwelling units or non-residential square footage proposed on the Receiving Area site;

C. A note on the plan showing the total number of dwelling units or non-residential square footage that could be built in the underlying zoning district not using Transfer of Development Rights, and the incremental difference between the two. This difference represents the number of additional dwelling units or additional square footage that could be constructed on the site. This number must not exceed the permitted Transfer of Development Rights units calculated above.

D. A plan of the sending site(s) from which the applicant proposes to purchase Development Rights. This plan shall show all information needed to determine the number of Development Rights which may be severed. In addition, the plan shall be accompanied by a metes and bounds description of the property(s) as well as each property’s parcel number, owner name and block number. If the applicant is purchasing Development Rights from a portion of the Sending Area site, this portion shall be shown on the plan and described with
metes and bounds. If the Development Rights have previously been severed from a tract in a Sending Area, a copy of the recorded Deed of Transferable Development Rights shall be submitted.

E. A title search from which the Transferable Development Rights will be transferred sufficient to determine all owners of the tract and all lien holders. If the Development Rights have previously been severed from the tract in the sending area, a title search of the rights set forth in the Deed of Transferable Development rights sufficient to determine all of the owners of the Development Rights and all lien holders shall be furnished to (municipality).

F. If the agreement of sale of Development Rights would entail less than an entire parcel, the portion of the parcel which will not be restricted and its Development Rights transferred shall be usable under the use, area, dimensional, performance and other standards of the (municipality) Zoning and Subdivision and Land Development ordinances.

G. If the agreement of sale of Development Rights would entail less than the entire number of Development Rights represented by a recorded Deed of Transferable Development rights, the applicant shall indicate the disposition of the remaining Development Rights.

I. In order to receive final plan approval, the applicant shall provide documentation that appropriate restrictive covenants or easements have been recorded for all sending area lands whose Development Rights are being used by the applicant. The restrictive covenant or easement on the sending area shall be recorded first, followed by the Deed of Transferable Development Rights in accordance with the Pennsylvania Municipalities Planning Code.

Section 2012. Use of Development Rights

A. New development utilizing transferred Development Rights shall be designed in conformity with the regulations of the underlying zoning district in which the Receiving Area is located.

B. The procedure for utilization of Development Rights transferred from a Sending Area upon eligible property in the Receiving Area shall be as follows:

1. At the earliest submission, whether a sketch plan or preliminary plan, the applicant shall note on the plan drawings that the proposal will utilize Development Rights transferred, in accordance with this Article, from another property located within a Sending Area designated by this Article.

2. Copies of the actual deed(s) of transferable Development Rights, indicating the applicant’s ownership of such, or satisfactory evidence of equitable ownership of the required Development Rights shall be a condition of preliminary plan approval.

3. A title search shall be required for the deed(s) of transferable Development Rights to assure the validity of such deed(s).

4. The deed book volume(s) and number(s) of the deed(s) of transferable Development Rights to be utilized shall be noted on the plan.

5. The (municipality) Zoning Officer and/or any other agent specified by the (governing body), shall determine that the Development Rights to be used have not been utilized elsewhere.

   a. Upon approval of the final plan the (municipality) Zoning Officer, and/or any agent specified by the (governing body), shall make note of and keep permanent record of the deed book volume(s) and number(s) of the deed(s) of transferable Development Rights applied to the development as finally approved. This permanent record shall be maintained in order to enable the Zoning Officer or any other agent specified by the (municipality) (governing body), to fulfill the requirement above and shall be available for public inspection.

Transfer of Development Rights
b. Upon approval of the final plan of a project utilizing Transferred Development Rights, a new deed shall be created and recorded for the receiving property. Such deed shall identify the deed(s) of Transferable Development Rights being used by deed book volume(s) and number(s) and shall state that the transferred Development Rights are attached to the receiving property in perpetuity.

C. Where a tract located in a Receiving Area is subdivided subsequent to the receipt of Transferred Development Rights, the subdivision plan shall clearly indicate the allocation of such Development Rights between or among the new lots. Such allocation shall be subject to the approval of the (municipality) as an element of the proposed subdivision. The allocation as approved by the (municipality) shall be indicated upon the new deeds.

Section 2013. Public Acquisition

A. The (municipality) may purchase Development Rights and may accept ownership of Development Rights through transfer of gift. All such development Rights may be resold or retired by the (municipality). Any such purchase or gift shall be accompanied by restrictive covenants or easements as specified above.

Section 2014. Appeals

A. Appeals to any decisions by (municipality) regarding the creation, transfer or application of Development Rights shall be made to the Zoning Hearing Board in accordance with Section 909.1(a)(7) of the Pennsylvania Municipalities Planning Code, this Ordinance, and all other applicable provisions. Parties with standing to appeal shall be defined by this Ordinance.
ARTICLE 21
PLANNED RESIDENTIAL DEVELOPMENT (PRD)

Section 2100. Purpose

The purposes of the Planned Residential Development (PRD) District are to:

A. Encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwelling, and by the conservation and more efficient use of open space ancillary to said dwellings.

B. Provide greater opportunities for better housing and recreation for all who are or will be residents of the PRD District in (municipality).

C. Encourage a more efficient use of land and public services, and reflect changes in the technology of land development so that local businesses may be supported by a workforce partly able to secure housing nearby.

D. To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, groundwater, wooded areas, steep sloped areas, and areas of natural beauty or importance to the natural ecosystem.

E. In aid of these purposes, provide a procedure which can relate the type, design, and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas and assure that the increased flexibility of the regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and provisions.

F. Reduce the excessive sprawl of development and the segregation of land uses that cause unnecessary traffic congestion.

G. Promote the creation of places which are oriented to the pedestrian, thereby promoting citizen security and social interaction.

Section 2101. Application of the Planned Residential Development Overlay District

No application for a Planned Residential Development shall be considered or approved by the (governing body) unless the following initial requirements are met:

A. The Planned Residential Development shall consist of at least one hundred (100) contiguous acres, all of which are absolutely controlled by the applicant, and if the number of proposed dwelling units exceeds five hundred (500), it shall abut and have direct access onto an arterial street to be within one thousand (1000) feet of an access to a freeway or an interstate highway.

B. The Planned Residential Development shall be permitted to locate only in residential zoning districts.

C. The Planned Residential Development shall be served by those public water supply and public sewage disposal systems serving (municipality). The applicant shall provide proof to the (governing body) that capacity for both utilities is available for the Planned Residential Development.

D. The Planned Residential Development shall be generally consistent with the (municipality) Comprehensive Plan.
Section 2102. General Regulations, Procedures

A. The (governing body) shall hear and decide requests for a Planned Residential Development in accordance with the provisions of this Section and the procedures and regulations of this Ordinance.

B. All provisions of the (municipality) Subdivision and Land Development Ordinance, shall apply to any Planned Residential Development involving subdivision and land development with the exception of the following:

1. Application procedures;
2. Review and approval process.

C. Application procedure - general. An Application for development of a Planned Residential Development is governed by and follows the procedures of Article VII of the Pennsylvania Municipalities Planning Code (MPC). The applicant shall file all applications with the (municipality) Planning Commission to the Zoning Officer at least _____ working days prior to a regularly scheduled Planning Commission meeting.

D. Pre-application conference (optional).

1. Purpose. Before submission of an Application for Tentative Approval (MPC Section 707) the applicant is strongly encouraged to have a meeting with the (governing body), the (municipality) Planning Commission, the Zoning Officer, the (municipality) Engineer, the Code Enforcement Officer, and such other personnel as may be necessary to determine the feasibility, suitability and timing of the application. The intent of this step is for the applicant to obtain information and guidance from municipal officials and staff before entering into any commitments or incurring substantial expenses with regard to the site and the PRD site plan preparation.

2. Scheduling. The request for a pre-application conference with the (municipality) Planning Commission must be accepted by (municipality) at least ______ days prior to the date of the regularly scheduled Planning Commission meeting.

3. Relationship to the formal review process. The submission of a pre-application conference request shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended to be advisory only and shall not bind (municipality) to approve any Application for Development.

E. Application for Tentative Approval. The Application for Tentative Approval must be executed by or on behalf of the applicant and filed with (municipality). An initial filing fee in an amount established by (municipality) shall be paid upon filing of the application to be applied against such expenses; and additional deposits shall be made from time to time as requested by (municipality) to be applied against expenses of processing the application, not to exceed actual expenses incurred by (municipality).

1. Application content. An Application for Tentative Approval of a Planned Residential Development shall include the following:

   a. ______ copies - Application form, provided by (municipality) and completed by the applicant.
   b. A fee for the Application for Tentative Approval of a Planned Residential Development.
   c. ______ copies - Maps and information as required by the Preliminary Plan requirement of the Subdivision and Land Development Ordinance, which shall show compliance with Subsection 4 of Section 707 of the Pennsylvania Municipalities Planning Code. The applicant shall also provide information to determine the location and size of the common
areas and common open space and the form of the organization proposed to own and maintain the common areas for any Planned Residential Development.

d. _______ copies of an Environmental Impact Assessment documenting compliance with Subsections 4 and 5 of Section 707 of the MPC. Such assessment shall indicate reasons why the Planned Residential Development is consistent with the (municipality) Comprehensive Plan and is in the interest of (municipality).

e. _______ copies of a Community Impact Analysis:

   (1) An analysis of the potential effects and impacts of the Planned Residential Development upon the following community facilities will be required:

      (a) Transportation system;
      (b) Water supply;
      (c) Sewage disposal;
      (d) Public utilities, such as electricity, gas, telephone, cable television;
      (e) Solid waste disposal;
      (f) Emergency services (i.e., police, fire, EMS);
      (g) School facilities and school district budget;
      (h) Recreation; and
      (i) (municipality) revenue and expenses.

F. Planning Commission Review and Comment. At the first regularly scheduled meeting of the (municipality) Planning Commission after the submission of the application, the Planning Commission shall perform the following:

1. Hold an open meeting where the public may comment on the Application for Tentative Approval.

2. Shall make a written recommendation to the (governing body) on any Application for Tentative Approval of a Planned Residential Development. In said recommendation, the Planning Commission shall set forth, with particularity, the explicit reasons for its recommendation that the proposal be either approved or denied.

G. (County) Planning Commission Review and Comment. At least 30 days before the public hearing, (municipality) shall submit the Application for Tentative Approval of a Planned Residential Development to the (county) Planning Commission for review and comment as required by the Pennsylvania Municipalities Planning Code.

H. Public Hearing. The (governing body) shall hold a Public Hearing on the Application for Tentative Approval of a Planned Residential Development in accordance with Section 708 of the MPC. The Commissioners shall cause notice of the Public Hearing to be given as follows:

1. By giving public notice in accordance with Section 908 of the MPC.

2. By posting one (1) notice in the vicinity of each front lot line of the site for which the Planned Residential Development is proposed in a place conspicuously visible from the street. In addition,
notices shall be posted at the (municipality) building. All posting shall be done at least seven (7) days prior to the public hearing.

I. The (governing body) shall consider whether proposed modifications/ waivers of any of the requirements of this Ordinance regarding the residential zoning district within which a PRD is proposed, except the provisions of this Section, contained in an Application for Tentative Approval of a Planned Residential Development will make for a more efficient, attractive and harmonious planned development. If such modifications, in the judgment of the (governing body), constitute a more beneficial use of the site than provided for under the requirements of the residential zoning district(s) involved, the (governing body), in its sole discretion, may grant the modifications/ waivers.

1. Authorized uses shall be limited to those specified in the next Section of this Article (regarding Standards and Conditions).

2. No modifications shall be given for density in the applicable residential zoning district(s) established in Maximum Dwelling Units Per Site.

3. All common open space shall be reserved as permanent open space.

4. Provisions for all Planned Residential Developments shall be in accordance with the laws of the Commonwealth of Pennsylvania for Planned Residential Developments.

5. No modification shall be granted for any construction, development, use or activity within any floodway area as identified in this Ordinance that would cause any increase in the one-hundred year flood elevation.

6. Under no circumstances shall a modification be granted to the various prohibitions of uses or activities in floodplain areas as set forth in this Ordinance.

7. Whenever a modification is granted to construct a structure below the one-hundred year flood elevation, (municipality) shall notify the applicant in writing that:

   a. The granting of the modification may result in increased premium rates for flood insurance.

   b. Such modification increases the risk to life and property.

J. Findings. The (governing body) shall make findings in accordance with Section 709 of the MPC.

K. Official Written Communication. The official written communication of findings shall be certified by the (municipality) Secretary of the (governing body) and a certified copy shall be mailed to the applicant.

L. Status of plan after Tentative Approval. The status of a plan after Tentative Approval shall be in accordance with Section 710 of the MPC.

M. Final Approval

1. Submission of application. The Application for Final Approval of a Planned Residential Development shall be submitted within six (6) months after Tentative Approval, unless the (governing body) grants an extension upon written request of the applicant to a date not to exceed eighteen (18) months from the date of Tentative Approval. Phased Planned Residential Developments, however, shall have applications for Final Approval made pursuant to the phase schedule set forth in the official written communication of the findings of the (governing body) with respect to Tentative Approval.
2. Application content. An Application for Final Approval of a Planned Residential Development shall include the following:

a. ________ copies - Application form, provided by (municipality) and completed by the applicant.

b. Application fee and review fees for Final Approval of a Planned Residential Development.

c. ________ copies - Maps and information as required by the (municipality) Subdivision and Land Development Ordinance.

d. ________ copies - Final drawings including floor plans and elevations (but not including working drawings for buildings) for all structures and buildings, other than single-family detached dwellings, prepared by a professional engineer, including all proposed signs, all exterior illumination and all outside storage areas.

e. The final plat for the Planned Residential Development shall contain those items approved in the Application for Tentative Approval and the items for final plat approval in the (municipality) Subdivision and Land Development Ordinance.

f. ________ copies of a development schedule showing:

(1) The order of construction of the proposed sections delineated in the final development plan.

(2) The proposed date for the beginning of construction on said sections.

(3) The proposed date for the completion of construction on said sections.

(4) The proposed schedule for the construction and improvement of the common areas.

g. Two (2) copies – Deed restriction proposals to preserve the character of the common areas.

(1) If the applicant elects the association or nonprofit corporation method of administering common areas, then the proposed bylaws of the association or the certificate of incorporation and the incorporated bylaws of the nonprofit corporation should be submitted.

(2) If the developer elects the condominium method of ownership of common areas, then the proposed declaration of condominium bylaws and related documents should be submitted.

h. Instruments dedicating all public and private rights-of-way, easements and other public lots shown on the final development plan from all persons having any interest in said lots. Two (2) copies if separate from the Final Plat.

i. Improvement Security. The developer shall guarantee the installation of the private and public improvements as specified in the final development plan by providing an improvements security in the amount of 110 % of the estimated cost of construction of the private and public improvements as determined in accordance with Section 509 of the MPC.
j. Two (2) copies - A title insurance policy or an attorney's certificate of title showing the status of the title to the site encompassed by the final development plan and all liens, encumbrances and defects, if any, in a form acceptable to the (municipality) Solicitor.

k. Two (2) copies - Tax receipts. Paid receipts from the taxing bodies indicating taxes have been paid in full up to and including the current period.

l. Two (2) copies - Evidence that a commitment from a responsible financial institution or entity has been issued to the developer for construction financing.

3. Plans shall be submitted within _____ calendar days of a regularly scheduled (municipality) Planning Commission meeting.

N. (Municipality) Planning Commission review and recommendation. The (municipality) Planning Commission shall, at its next regularly scheduled meeting after the filing of the Application for Final Approval, examine the application and determine if the application meets the criteria and includes the items required by the previous Subsection (regarding Final Approval) and if the Application for Final Approval complies with the conditions of Tentative Approval, if any. The (municipality) Planning Commission shall forward its written report to the (governing body), setting forth its findings and recommendations.

O. Action on Application for Final Approval. Action on the Application for Final Approval shall be made in accordance with Section 711 of the MPC.

P. Recording of final development plan. Recording of the final development plan shall be in accordance with Section 711(d) of the MPC. The time for recording of a Final Development Plan granted final approval by the (governing body) shall be governed by the provisions of the (municipality) Subdivision and Land Development Ordinance.

Q. Zoning Permit. No zoning permit for structural alteration and erection of structures or for occupancy and use shall be issued until the Final Development Plan has been approved and recorded. Upon proof of recording and certification of final approval by the (governing body), a zoning permit shall be issued by the Zoning Officer.

R. Procedure for Approval of Amendments to Planned Residential Developments after Final Approval and/or recording. Any amendment to a Planned Residential Development submitted after Final Approval for recording which does not violate any of the conditions or requirements of the Tentative Approval or of the zoning district classification may be approved at an open meeting of the (governing body) after recommendation by the Planning Commission. Amendments involving substantive changes or modifications to conditions shall require a public hearing in the same manner as for an Application for Tentative Approval of a Planned Residential Development. Upon approval of the amendment, the recorded Final Development Plan shall be amended and re-recorded to conform to the amendment.

S. Completion and acceptance of Public Improvements. Upon completion of the Public Improvements in a Final Development Plan, the provisions of the (municipality) Subdivision and Land Development Ordinance shall apply and govern the filing of as-built plans and the completion and acceptance of Public Improvements.

T. Release of Improvement Security. The release of the Improvement Security as required in previous sections of this Article shall be governed by the (municipality) Subdivision and Land Development Ordinance and the acceptance of public improvements and the required maintenance security shall be in accordance with the (municipality) Subdivision and Land Development Ordinance.

U. Remedies to effect completion. The remedies available to (municipality) to effect completion of public improvements shall be governed by the (municipality) Subdivision and Land Development Ordinance.
V. Uniformity with the Subdivision and Land Development Ordinance. The provisions of the preceding sections are intended to make uniform the requirements of this Article and the Subdivision and Land Development Ordinance. Whenever the cited provisions of the Subdivision and Land Development Ordinance are amended, those amendments shall be incorporated into this Article as of the effective date of the amendment.

Section 2103. Standards and Conditions

A. Uses permitted. Uses permitted in Planned Residential Developments shall be limited to:

1. Residential Uses:
   a. Single-Family Detached Dwellings
   b. Single-Family Semi-Detached Dwellings
   c. Two-Family Detached Dwellings
   d. Single-Family Attached Dwellings (Townhouses)
   e. Multi-Family Dwellings

2. Neighborhood Commercial Uses. Neighborhood commercial uses may be permitted in a Planned Residential Development only to the extent that they are designed and intended to primarily serve residents of the Planned Residential Development and are compatible and harmoniously incorporated into the unitary design of the Planned Residential Development. Such uses may include commercial uses of the local convenience retail and service type located to serve primarily the residents of the Planned Residential Development. Uses may include personal services, day care, public and non-public schools, florist, library, public utility buildings and laundry and dry cleaning (personal) establishments.

B. Applicability of other provisions. Unless otherwise specifically stated or specifically modified by the (governing body), all provisions of this Ordinance shall apply to all Planned Residential Developments, and all Planned Residential Development uses must comply with provisions of all other applicable ordinances, including the Subdivision and Land Development Ordinance. The provisions of this Article apply to all Planned Residential Developments unless otherwise stated.

C. Residential use standards and conditions. This section specifies the regulations for residential uses in Planned Residential Developments.

1. Maximum dwelling units per site. The maximum number of dwelling units permitted in a Planned Residential Development shall be calculated as follows:

<table>
<thead>
<tr>
<th>Line Number</th>
<th>Formula</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Gross Tract Area (Acres)</td>
<td>Acres</td>
</tr>
<tr>
<td>2</td>
<td>Area in existing streets and rights-of-way</td>
<td>Acres</td>
</tr>
<tr>
<td>3</td>
<td>Site Area (Subtract Line 2 from Line 1)</td>
<td>Acres</td>
</tr>
<tr>
<td>4</td>
<td>Required Open Space (30% of Gross Tract Area)</td>
<td>Acres</td>
</tr>
<tr>
<td>5</td>
<td>Environmentally Sensitive Areas not required in Open Space (Floodplains, wetlands and steep slopes)</td>
<td>Acres</td>
</tr>
<tr>
<td>6</td>
<td>Future Infrastructure (15%)</td>
<td>Acres</td>
</tr>
<tr>
<td>7</td>
<td>Net Site Area (Subtract Lines 4, 5, and 6 from Line 3)</td>
<td>Acres</td>
</tr>
<tr>
<td>8</td>
<td>Maximum Net Site Density (see C.2 below)</td>
<td>Dwelling Units</td>
</tr>
<tr>
<td>9</td>
<td>Maximum Dwelling Units based on Net Site Density (Multiply Line 7 by Line 8)</td>
<td>Dwelling Units</td>
</tr>
</tbody>
</table>
2. Net site density modifications. Net site density permitted by the (governing body) may be varied upon consideration of the following factors:

a. The amount, location and proposed use of common open space including, but not limited to, the amount of land devoted to active recreation facilities and the quality of the recreation facilities or fees contributed to (municipality) in lieu of dedication by agreement with the developer;

b. The location and physical characteristics of the site of the Planned Residential Development; factors such as the amount of land limited by environmentally sensitive areas shall be considered;

c. The density modification from that allowed in the applicable residential zoning district(s) shall be granted at the discretion of the (governing body) based on the above factors determined after a public hearing where the applicant shall have the burden to show that the modifications requested would be in the public interest and benefit the health, safety and welfare of the citizens of (municipality).

d. Notwithstanding the above, the net site density in the applicable residential zoning district(s) shall not exceed ___ dwelling units per acre, and no modifications shall be granted to increase the net site density in the applicable residential zoning district(s).

e. Variations in density may be granted for different phases of a Planned Residential Development; and

f. Density increases will be roughly proportional to the factors listed above in this section, and in addition, the overall design quality of the Planned Residential Development, the quality and amount of open space or fees paid by agreement of the developer in lieu thereof, the size of individual lots and the facts considered by the MPC, this Ordinance, and the Comprehensive Plan.

3. Mix of Housing Types. A Planned Residential Development shall have a mix of dwelling units consisting of the following types within the following proportions:

a. Single-Family Detached Dwellings - A minimum of 40% and maximum of 75% percent of all proposed dwelling units.

b. Single-Family Semi-Detached Dwellings - A maximum of 35% percent of all proposed dwelling units.

c. Two-Family Detached Dwellings - A maximum of 35% of all proposed dwelling units.

d. Single-Family Attached Dwellings (Townhouses) – A maximum of 35% of all proposed dwelling units.

e. Multi-Family Dwellings – A maximum of ten (10%) percent of all proposed dwelling units.

f. The remainder of the housing stock shall be left to the discretion of the applicant. The requirements of this section may be waived by the (governing body) upon the applicant successfully demonstrating that the required housing type(s) are not then presently marketable. Upon granting a waiver, the required percentage of the remaining housing types shall be increased proportionately.
4. All dwelling units shall be designed with regard to topography, elevation, and other natural features of the tract. The effects of prevailing winds, seasonal temperatures, and hours of sunlight on the physical layout and form of the proposed building shall be taken into account.

5. Housing and other facilities near the periphery of the Planned Residential Development shall be designed so as to be harmonious with neighboring areas.

6. No structures or buildings shall be within 20 feet of the right-of-way of access roads or parking areas.

7. No structures or building shall be less than 50 feet from the property lines of the development, and a planting strip of at least 20 feet shall be provided along all property lines at the periphery of the development where necessary to protect the privacy of neighboring residents.

8. Yard setbacks shall be consistent with the requirements established for those uses in this Zoning Ordinance.

9. Off-Street Parking
   a. Off-street parking spaces shall meet regulations as set forth in this Ordinance.
   b. Excepting single-family, semi-detached, single-family attached, and two-family detached dwellings, all parking areas shall be located at least 25 feet from the buildings to allow access for emergency vehicles.
   c. The required parking spaces shall be situated on the same lot within 200 feet of the dwelling units to be serviced.

10. Streets and Access Drives. Plans for streets, drives, service access, parking and walks, and all such facilities shall be reviewed and approved, and all such facilities shall be designed and installed in the manner prescribed by the Subdivision and Land Development Ordinance regulations for dedication, and amendments thereto, regardless of whether they are to be presented to (municipality) for dedication or not.

11. Phased Development
   a. Preliminary Plan approval to include all phases. Where an applicant proposes phased development of a project over time, the applicant shall comply with all requirements for a preliminary plan approval as required under the Subdivision and Land Development Ordinance for all phases except where application content requirements have been waived.
   b. Minimum phase size. Each section of development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the (governing body) in its discretion.
   c. Independence of phases. Each phase of a development shall include the required improvements necessary to serve that phase of development as if it were the final phase of the development, independent of any proposed future phase of development.
D. Neighborhood Commercial Use regulations.

1. Location. Neighborhood commercial uses shall be grouped together adjacent to an arterial or collector street located within the Planned Residential Development and be provided with shared off-street parking, signage and landscaping in accordance with provisions provided herein.

2. Maximum percent of site area. The maximum portion of the Planned Residential Development for neighborhood commercial uses shall not exceed five (5%) percent of the net site area.

3. Maximum gross floor area. The maximum gross floor area of Planned Residential Development for neighborhood commercial uses shall be as follows:

   a. For a single neighborhood commercial use: 4,000 square feet of gross floor area; and
   b. For a single building: 16,000 square feet of gross floor area.

4. Maximum Impervious Surface. On any portion of the Planned Residential Development dedicated to neighborhood commercial uses, no combination of structures and impervious surfaces including asphalt or concrete paved areas for parking, access, driveways, pedestrian access walkways and rock lined storm water detention facilities, shall exceed 50% of the site area dedicated to neighborhood commercial uses.

E. Minimum site perimeter yard: 50 feet.

F. Building heights shall be in accordance with the regulations specified in the underlying zoning district.

G. Buffers and screening shall be provided in accordance with the requirements contained in the (municipality) Subdivision and Land Development Ordinance.

H. Outdoor Lighting. Outdoor lighting shall meet the requirements contained in this Ordinance.

I. Standards for Location and Management of Open Space.

1. The open space shall be located so as to be consistent with the objectives and purposes of a Planned Residential Development and shall adhere to the following requirements:

   a. A minimum of 30% of the gross tract area of the Planned Residential Development shall be devoted to common open space.
   b. At least two-thirds (2/3) of the required open space shall be designed as one (1) or more bulk areas of not less than four (4) acres each, providing a sense of spaciousness.
   c. Land included. The required 50 foot buffer strip required may be counted as part of the required open space after all other requirements are fully satisfied, but such land shall in no event be counted to and extend greater than one-third (1/3) of the required open space.
   d. Land which is subject to utility or drainage easements or other restrictions which inhibit the full use of the land shall not be counted as part of the required open space.

2. There shall be provisions which ensure that the open space land shall continue as such and be properly maintained. The developer shall either:

   a. Dedicate such land to public use if (municipality) or another public agency has indicated it will accept such dedication;
b. Retain ownership and responsibility for maintenance of such open space land; or

c. Provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space. In the case of this subsection, each organization shall be a nonprofit homeowner’s corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.

3. If a homeowners’ association or open space trust is formed, it shall be governed according to the following regulations:

   a. The organization shall be organized by the developer and shall be operated with financial subsidization by the developer, if necessary, before the sale of any lots within the development.

   b. Membership in the organization is mandatory for all purchases of homes therein and their successors.

   c. The organization shall be responsible for maintenance of insurance and taxes on common open space.

   d. The members of the organization shall share equitably the costs of maintaining and developing common open space in accordance with procedures established by them.

   e. The organization shall have or hire adequate staff to administer common facilities and to maintain the common open space.

   f. Maintenance of common open space.

       (1) In the event that the organization established to own and maintain a common open space or any successor organization shall, at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, (municipality) may serve written notice on such organization or on the residents and owners of the planned residential development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition; and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, (municipality) may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or the modifications thereof are not cured within said 30 days or any extension thereof, (municipality), in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, (municipality) shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the residents and owners of the planned residential development to be held by (municipality), at which hearing such organization or the residents and owners of the planned residential development shall show cause why such maintenance by (municipality) shall not continue for
the succeeding year. If (municipality) shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the (Municipality) shall cease to maintain said common open space at the end of said year. If (municipality) shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, (municipality) may, at its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of (municipality) in any such case shall constitute a final administrative decision subject to judicial review.

(2) The cost of such maintenance by (municipality) shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space and shall become a tax lien on said properties. Said assessments or charges shall be subordinate in lien to the lien of any mortgage or mortgages on the property which is subject to such assessments or charges, regardless of when said mortgage or mortgages were created or when such assessments or charges accrued, provided that such subordination shall apply only to assessments or charges that have become payable prior to the passing of title under foreclosure of such mortgage or mortgages, and the transferee shall not be liable for payment of any assessments or charges occurring prior to said foreclosure; but nothing herein shall be held to affect the rights herein given to enforce the collection of such assessments or charges accruing after sale under foreclosure of such mortgage or mortgages and provided further that such charges accruing after sale shall also be subordinate to the lien of any further mortgage or mortgages which are placed on property subject to such assessments or charges, with the intent that no such charges shall be at any time prior in lien of any mortgage or mortgages whatsoever on such property. (Municipality), at the time of entering on said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the prothonotary of the count(y/ies) on the properties affected by such lien within the planned residential development.

(3) Development plan.

(a) In accordance with Section 706 of the Pennsylvania Municipalities Planning Code, the provisions of the development plan relating to the use, bulk and location of buildings and structures, the quantity and location of common open space, and the intensity of use or the density of residential units shall run in favor of (municipality) and shall be enforceable in law or in equity by (municipality), without limitation on any powers of regulation otherwise granted (municipality) by law.

(b) The development plan shall specify those of its provisions which shall run in favor of and be enforceable by residents of the planned residential development and, in addition, the manner in which such residents may modify or release such rights.

4. The location and management of open space shall be consistent with the requirement of the Pennsylvania Planned Communities Act.
ARTICLE 22
FLOODPLAIN OVERLAY REGULATIONS

Section 2200. Purposes

The purpose of this Article is to:

A. Promote the general health, welfare, and safety of the community.
B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
C. Minimize danger to public health by protecting water supply and natural drainage.
D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
E. Comply with federal and state floodplain management requirements.

Section 2201. Acronyms

The following acronyms are used throughout this Article:

A. ASCE American Society of Civil Engineers
B. FEMA Federal Emergency Management Agency
C. IBC International Building Code
D. IRC International Residential Code
E. UCC Uniform Construction Code

Section 2202. Issuance of Building Permit

A. The Building Permit Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this Article and all other applicable codes and ordinances.

B. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

These permits include, but are not limited to:

1. Permits for activities or obstructions in the floodway (as delineated on municipal Flood Insurance Study maps) or within 50 feet of the top of a stream bank where no floodway is delineated. Contact the regional office of the Department of Environmental Protection for more information.
2. Permits for discharge of stormwater from construction activities required under the National Pollutant Discharge Elimination System Program. Contact the County Conservation District for additional information.

C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the (Municipality) and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified by (Municipality) prior to any alteration or relocation of any watercourse.

Section 2203. Application Procedures and Requirements

A. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by (municipality). Such application shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location including address.
5. Listing of other permits required.
6. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
7. A plan of the site showing the exact size and location of the proposed construction, as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided so as to reduce exposure to flood hazards.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:

1. A completed Building Permit Application Form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
   a. North arrow, scale, and date;
b. Topographic contour lines, if available;

c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

d. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;

e. The location of all existing streets, drives, and other access ways; and

f. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

a. The proposed lowest floor elevation of any proposed building based upon the Vertical Datum referenced on the current municipal Flood Insurance Rate Maps;

b. The elevation of the one hundred (100) year flood;

c. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and

d. Detailed information concerning any proposed flood proofing measures.

e. Supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Sec. 1612.5.1, Sections 104.7 and 109.3 of the 2003 IBC and Sections R106.1.3 and R104.7 of the 2003 IRC.

4. The following data and documentation:

a. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain Area), when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

b. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

c. Detailed information needed to determine compliance with this Article for the Storage, and Development Which May Endanger Human Life, including:

(1) The amount, location and purpose of any materials or substances referred to in this Article which are intended to be used, produced, stored or otherwise maintained on site.

(2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in this Article during a one hundred (100) year flood.
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d. The appropriate component of the PA Department of Environmental Protection's "Planning Module for Land Development."

e. Where any excavation or grading is proposed, a plan meeting the requirements of the PA Department of Environmental Protection, to implement and maintain erosion and sediment pollution control.

Section 2204. Review of Application by Others

A. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

Section 2205. Changes

A. After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Building Permit Officer for consideration.

B. The Building Permit Officer shall not approve changes until the applicant submits documentation that changes which may affect other state or federal permits are approved and permitted by the appropriate permitting agency.

Section 2206. Placards

A. In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Permit Officer.

Section 2207. Start of Construction

A. Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

B. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

Section 2208. Inspection and Revocation

A. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
C. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the (governing body) for whatever action it considers necessary.

D. A record of all such inspections and violations of this ordinance shall be maintained.

E. The requirements of the 34 PA Code Chapter 401-405 and the IBC (Sections 109.3.3 1612.5.1, 104.7 and 103.8) and the 2003 IRC (R106.1.3, 109.1.3 and R104.7) or latest revisions thereof pertaining to elevation certificates and record retention shall be considered.

Section 2209. Appeals

A. Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Article, may appeal to the (governing body). Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Building Permit Officer.

B. Upon receipt of such appeal the (governing body) shall set a time and place, within not less than ten (10) or more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

C. Any person aggrieved by any decision of the (governing body) may seek relief there from by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

Section 2210. Identification

The regulated floodplain areas shall consist of the following areas:

A. The identified floodplain areas shall be those areas of (municipality), which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated _____ and the accompanying maps prepared for (municipality) by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

B. Supplemental floodplain areas which are areas not identified in the FIS but where (Municipality) has determined the area to merit additional regulation under this Article. These areas are identified on the (Municipality) supplemental floodplain identification map.

Note: Item B may be implemented by municipalities for areas not identified as floodplains on the FIS, but are determined by the municipality to merit additional regulation under this Article. These areas, if opted for should be identified on an official map.

Section 2211. Description of Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

A. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

B. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis
for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

Note: It is possible that the following provisions pertaining to an FE area may not be needed. In some instances a Flood Insurance Study will be prepared which will not include this kind of floodplain area, in which case the following provisions should be deleted, as well as all references to an FE area.

C. FE (Special Floodplain Area) - the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.

D. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, (municipality) may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by (Municipality).

E. SA (Supplemental Floodplain Area) – Areas not identified in the FIS but where (municipality) has determined the area to merit additional regulation under this Article.

Section 2212. Changes in Identification of Area

The identified floodplain area as shown on the FIS maps may be revised or modified by the (governing body) where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

Section 2213. Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by (municipality) Planning Commission and any party aggrieved by this decision or determination may appeal to the (governing body.). The burden of proof shall be on the appellant.

Section 2214. General

A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by (municipality), and until all required permits or approvals have been first obtained from the PA Department of Environmental Protection Regional Office.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

B. Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Article and any other applicable codes, ordinances and regulations.
Section 2215. Special Requirements for FW, FE, FA and SA Areas

A. Within any identified floodplain area new construction or development is prohibited with the following exceptions provided the use does not require structures other than as indicated or fill other than as indicated:

1. Accessory uses such as sheds or pavilions. Such uses are limited to 600 square feet of floor area. The total amount of floor area per lot for accessory uses is limited to 600 square feet regardless of the number of such accessory structures.

2. Plowing, seeding, harvesting, pasture, plant nurseries, horticulture, forestry, aquaculture and other normal farming operations.

3. Vehicle access uses including driveways, roads, streets, bridges and culverts. Impacts to the floodplain are limited to the least amount needed to construct the use and provide safety and structural integrity.

4. Public and private recreational uses such as parks, camps, picnic areas, swimming areas, boat launches, wildlife areas and preserves, hunting and fishing, game farms, trails for hiking, horse riding, athletic fields and other recreational activities.

5. Accessory residential uses such as yards, gardens and play areas.

6. Projects conducted with the objective of improvement, stabilization, restoration, or enhancement of the stream bank, stream channel, floodplain, watershed hydrology, riparian buffers or aquatic habitat, and maintenance activities associated with such projects. These projects include but are not limited to agricultural and stormwater management best management practices. Such projects must receive appropriate permits and approvals from PA DEP prior to starting the project.

7. Utility lines and pipes.

8. Similar uses determined to be acceptable by the governing body of (municipality) provided the use does not require structures other than as indicated above or fill other than as indicated above.

B. Pre-Existing lots or parcels:

1. Where a lot or parcel that has been legally created and recorded prior to the effective date of this Article is located entirely or partially within any identified floodplain area, the following conditions apply:

   a. If the lot or parcel is located entirely within any identified floodplain area, development may be allowed by (Special Exception or Conditional Use). Such development shall be in full compliance with all other requirements of this Article.

   b. If the lot or parcel is located partially within any identified floodplain area, development shall be confined to the area outside of the floodplain area to the maximum extent practical. If the area outside of the floodplain area is insufficient for the proposed use, development within the floodplain area may be allowed by a Special Exception or Conditional Use. Such development shall be in full compliance with all other requirements of this ordinance.

C. Creation of new lots or parcels

1. Any new lots or parcels created after the effective date of this Article shall contain adequate area outside of any identified floodplain for the proposed use.
2. No Special Exception or Conditional Use shall be granted for development of any lot or parcel created after the effective date of this Article.

D. With any FW (Floodway Area), the following provisions apply:
   
   1. Any new construction, development, use, activity, or encroachment allowable under this Article that would cause any increase in flood heights shall be prohibited.
   
   2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

E. Within any FE (Special Floodplain Area), new construction or development allowable under this Article shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

F. Within any FE (Special Floodplain Area), FA (General Floodplain Area) or SA (Supplemental Floodplain Area), the following provisions apply:
   
   1. No new construction or development allowable under this ordinance shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
   
   2. All allowable uses shall be conducted in full compliance with this Article.

G. Within any identified floodplain area and within 50 feet of the top of bank of any stream not located within an identified floodplain area, the following uses are expressly prohibited:
   
   1. Development Which May Endanger Human Life
      
      a. Any new or substantially improved structures, or expansion or enlargement of any structure which:
         
         (1) Will be used for the production or storage of any of the following dangerous materials or substances; or,
         
         (2) Will be used for any activity requiring the maintenance of a supply of any amount of any of the following dangerous materials or substances on the premises; or,
         
         (3) will involve the production, storage, or use of any amount of radioactive substances;

      b. The following list of materials and substances are considered dangerous to human life:
         
         Acetone
         Ammonia
         Benzene
         Calcium carbide
         Carbon disulfide
         Celluloid
         Chlorine
         Hydrochloric acid
         Hydrocyanic acid
         Magnesium
Nitric acid and oxides of nitrogen
Petroleum products (gasoline, fuel oil, etc.)
Phosphorus
Potassium
Sodium
Sulphur and Sulphur products
Pesticides (including herbicides, insecticides, fungicides, and rodenticides)
Radioactive substances, insofar as such substances are not otherwise regulated.

c. The above prohibition does not apply to normal amounts of any product composed of the above materials maintained for residential use. Such uses include but are not limited to the following:

(1) Normal amounts of petroleum based home heating oil or petroleum based fuels maintained for residential use.

(2) Normal amounts of cleaning product composed of the above materials maintained for residential use.

(3) Normal amounts of pesticides (including herbicides, insecticides fungicides, and rodenticides) maintained for residential use.

2. Special Permit Activities - The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

(1) Hospitals
(2) Nursing homes
(3) Jails or prisons

3. Manufactured homes, manufactured home parks, expansion of existing manufactured home parks.

Section 2216. Elevation and Floodproofing Requirements

A. Residential Structures

(1) Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated to a minimum of 1.5 feet above the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 IBC, (Sec. 1612.4, 1603.1.6 and 3403.1) and in the 2003 IRC, (Sec. R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

B. Non-residential Structures

1. Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated to a minimum of 1.5 feet above the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. Such floodproofing shall be in compliance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement
certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

2. The design and construction standards and specifications contained in the IBC (Sec. 1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1. and ASCE 24 (Secs. 2.4 and Chap. 7) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

C. Space below the lowest floor.

1. Fully enclosed space below the lowest floor (including basement) is prohibited.

2. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

   a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

   b. The bottom of all openings shall be no higher than one (1) foot above grade.

   c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. Consideration may be given to the requirements of 34 PA Code (Chapters 401-405 as amended) and the 2003 IRC (Secs. R323.2.2 and R323.1.4) and the 2003 IBC (Secs. 1612.4, 1612.5, 1202.3.2 and 1203.3.3.

D. Accessory structures – accessory structures allowable under this Article need not be elevated or floodproofed to remain dry, but shall comply, at minimum, with the following requirements:

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

2. Floor area shall not exceed 600 square feet. The total amount of floor area per lot for accessory uses is limited to 600 square feet regardless of the number of such accessory structures.

3. The structure will have a low damage potential.

4. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.

5. Power lines, wiring, and outlets will be at least one and one-half (1 ½) feet above the 100 year flood elevation.

6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.

7. Sanitary facilities are prohibited.
8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

   a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

   b. The bottom of all openings shall be no higher than one (1) foot above grade.

   c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

Section 2217. Design and Construction Standards

The following minimum standards shall apply for all construction and development allowable under this Article proposed within any identified floodplain area:

A. If fill is used, it shall:

   1. Extend laterally at least fifteen (15) feet beyond the building line from all points;

   2. Consist of uncontaminated soil or small rock materials only;

   3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

   4. Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer;

   5. Be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Sec. 1801.1 and 1803.4) shall be utilized;

   6. Be limited to only the amount needed for the intended use;

   7. Sanitary landfills shall not be permitted;

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties. The provisions contained in the 2003 IBC (Appendix G401.5) shall be utilized.

C. Water and Sanitary Sewer Facilities and Systems

   1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

   2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

   3. No part of any on-site sewage system shall be located within any identified floodplain area, except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC, Uniform Construction Code, and 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Appendix G. Secs. 401.3 and 401.4), the 2003 IRC (Sec. 323.1.6), the ASCE 24-98 (Sec. 8.3), FEMA, #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) shall be utilized.

D. Other Utilities

1. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

1. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

1. All materials that are buoyant, flammable, and explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in this Article under Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

G. Placement of Buildings and Structures

1. All buildings and structures allowable under this Article shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

3. The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Secs. 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the IRC (Secs. R301.1 & R323.1.1) and ASCE 24-98 (Sec. 5.6) shall be utilized.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
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4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

5. The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Secs. 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (Secs. R323.1.7 & R501.3) and ASCE 24-98 (Chapter 6) shall be utilized.

J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material. The standards and specifications contained in 34 PA Code (Chapters 401-405, amended) the 2003 IBC (Secs. 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Secs. R323.1.7 shall be utilized.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

3. The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2003 IBC (Sec. 1612.4), the IRC (Sec. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

2. The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the 2003 IBC (Sec. 1612.4), the 2003 IRC (Secs. R323.1.5) the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

M. Fuel Supply Systems

1. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

Section 2218. Uniform Construction Code Coordination

A. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Article, to the extent that they are more restrictive and/or supplement the requirements of this Article.
1. International Building Code (IBC) 2003 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.


Section 2219. Existing Structures

A. The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of the underlying zoning district and Section 2220 of this Article shall apply.

Section 2220. Improvements

A. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

2. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

3. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Article.

NOTE: The above activity shall also address the requirements of the 34 PA Code Chapters 401-405, as amended and the 2003 IBC (Sec. 3402.1 and 1612.4) and the 2003 IRC (Secs. R105.3.1.1 and 323.1.4).

4. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

5. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this Article.

6. The requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Secs. R102.7.1, R105.3.1, R105.3.1.1 and Appendices E and J) or the latest revision thereof, and the 2003 IBC (Secs. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

Section 2221. Variances

A. If compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer or landowner, the Board of Zoning Appeals may, upon request, grant a variance from the strict application of the requirements of this Article.

Section 2222. Variance Procedures and Conditions

A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
B. No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

C. No variance shall be granted for development which may endanger human life, Special Permit Activities or manufactured homes.

D. If granted, a variance shall involve only the least modification necessary to provide relief.

E. In granting any variance the Board of Zoning Appeals shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Article.

F. Whenever a variance is granted, (municipality) shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance.
2. Such variance may increase the risks to life and property.

G. In reviewing any request for a variance, the Board of Zoning Appeals shall consider, at a minimum, the following:

1. That there is good and sufficient cause.
2. That failure to grant the variance would result in exceptional hardship to the applicant.
3. That the granting of the variance will (a) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, or (b) create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

H. A complete record of all variance requests and related actions shall be maintained by the (municipality). In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

I. No variances shall be granted for any activity on lots created after the effective date of this Article.

J. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

Section 2223. Definitions

Unless specifically defined in Article 2 of this Ordinance, or below in this Article, words and phrases used in this Article shall be interpreted so as to give this Article its most reasonable application.

A. Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

B. Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

C. Historic structure - any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   a) By an approved state program as determined by the Secretary of the Interior or
   b) Directly by the Secretary of the Interior in states without approved programs.

D. Identified floodplain area - the floodplain area specifically identified in this Article as being inundated by the one hundred (100) year flood.

NOTE: The following definition of "Lowest Floor" should be used only if Partially Enclosed Space Below the Lowest Floor will be permitted.

E. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Article.

F. Manufactured home park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

G. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

NOTE: The date to be used in the following definition of "New Construction" should be the effective date of the first floodplain management ordinance/regulations enacted by a municipality for the purpose of complying with the requirements of the National Flood Insurance Program.

H. New construction - structures for which the start of construction commenced on or after the adoption of this Ordinance, and includes any subsequent improvements thereto.

I. Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

NOTE: Definition J. below is optional and should be included only when the “repetitive loss” provision is used.

J. Repetitive loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Floodplain Overlay Regulations
K. Substantial additions to manufactured home parks – Any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.

L. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

M. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage (or "repetitive loss" when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not, however include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;

2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a "historic structure."

N. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
ARTICLE 23
RIPARIAN BUFFER OVERLAY REGULATIONS

Section 2300. Intent

The intent of this Ordinance is to:

A. Promote the general health, welfare, and safety of the community.

B. Encourage the utilization of appropriate development practices in order to preserve and restore the environmental, economic and aesthetic value of riparian buffers.

C. Minimize danger to public health by protecting water resources.

D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preserving and restoring riparian buffers.

E. Comply with federal and state water quality management requirements.

F. Provide water quality and habitat benefits of riparian buffers which include
   1. Filtration and reduction of sediment entering streams
   2. Reduction of nutrients and other contaminants entering streams
   3. Provide and protect in-stream and riparian habitat
   4. Preserve and restore flood carrying and storage capacity of streams

Section 2301. Abrogation and Greater Restrictions

A. This ordinance supersedes any other conflicting provisions which may be in effect relative to riparian buffer areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

Section 2302. Applicability

A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within (municipality) unless a Building Permit has been obtained from the Building Permit Officer.

B. A Building Permit shall not be required for minor repairs to existing buildings or structures.

Section 2303. Issuance of Building Permit

A. The Building Permit Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

B. Prior to the issuance of any Building Permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the
Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

These permits include, but are not limited to:

1. Permits for activities or obstructions in the floodway (as delineated on municipal Flood Insurance study maps) or within 50 feet of the top of a stream bank where no floodway is delineated. Contact the Conservation District or regional office of the Department of Environmental Protection for more information.

2. Permits for discharge of stormwater from construction activities required under the National Pollutant Discharge Elimination System Program. Contact the County Conservation District for additional information.

C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the (Township, Borough, etc.) and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

Section 2304. Application Procedures and Requirements

A. Application for such a Building Permit shall be made, in writing, to the Building Permit Officer on forms supplied by (municipality.). Such application shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location including address.
5. Listing of other permits required.
6. A plan of the site showing the exact size and location of the proposed construction, as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified riparian buffer area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that all such proposals are consistent with the need to preserve the riparian buffer and conform with the requirements of this and all other applicable codes and ordinances;

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:

1. A completed Building Permit Application Form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
   a. north arrow, scale, and date;
   b. topographic contour lines, if available;
c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
d. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
e. the location of all existing streets, drives, and other access ways; and
f. the location of any existing bodies of water or watercourses, the Chapter 93 water quality designation of such streams, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
g. The boundary and composition of existing riparian buffers.
h. The proposed boundary and composition of the riparian buffer area.
i. The location and boundaries of wetlands, entirely or partially within the riparian buffer. The presence or absence of wetlands must be certified and delineated in accordance with the 1987 U.S. Army Corps of Engineers Manual for Identifying and Delineating Wetlands by a qualified entity.

3. The following data and documentation:

a. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
b. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
c. A narrative plan for the establishment of a riparian buffer area. Such plan shall include a discussion of the species of vegetation to be established, a schedule for establishment of the riparian buffer area and recommended maintenance procedures and a maintenance schedule for the riparian buffer. Where existing buffers are used to meet the requirements of this ordinance, the narrative shall discuss any modifications or expansions needed to the existing buffer.

Section 2305. Review of Application by Others

A. A copy of all plans and applications for any proposed construction or development in any identified riparian buffer area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

Section 2306. Changes

A. After the issuance of a Building Permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Building Permit Officer for consideration.
Model Zoning Ordinance

Section 2307. Placards

A. In addition to the Building Permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Building Permit the date of its issuance and be signed by the Building Permit Officer.

Section 2308. Start of Construction

A. Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the Building Permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

B. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

Section 2309. Inspection and Revocation

A. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified riparian buffer area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

C. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the Building Permit and report such fact to the (Board, Council, etc.) for whatever action it considers necessary.

D. A record of all such inspections and violations of this ordinance shall be maintained.

Section 2310. Appeals

A. Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Ordinance, may appeal to the Board of Zoning Appeals. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Building Permit Officer.

B. Upon receipt of such appeal the Board of Zoning Appeals shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

C. Any person aggrieved by any decision of the Board of Zoning Appeals may seek relief there from by appeal to court, as provided by the laws of this Commonwealth.

Section 2311. Identification of Riparian Buffer Areas

A. The regulated riparian buffer shall consist of the area measuring 50 feet from the top of the stream bank, measured perpendicularly, landward. For streams or tributaries to streams classified as High Quality or Exceptional Value, the buffer shall be 100 feet.
B. The riparian buffer shall be located on both sides of all perennial and intermittent streams.

C. Perennial and intermittent streams shall be shown on all applications for Building Permits, and subdivision, or land development plans

Section 2312. New Construction

A. Any new construction, development, uses or activities allowed within any riparian buffer area shall be undertaken in strict compliance with the provisions contained in this ordinance and any other applicable codes, ordinances and regulations.

B. As riparian buffer areas are similar in location to floodplains, all activities allowable within riparian buffer areas must comply with the floodplain ordinance of (municipality). Where there is a conflict between any of the provisions of this ordinance and the Floodplain Ordinance, the more restrictive provision shall apply.

Section 2313. Existing Uses

A. Where a lot or parcel that has been legally created and recorded prior to the effective date of this ordinance is located entirely or partially within any identified riparian buffer area, the following conditions apply:

1. If the lot or parcel is located entirely within any identified riparian buffer area, the governing body may grant an exception. Such development shall be in full compliance with all other requirements of this ordinance.

2. If the lot or parcel is located partially within any identified riparian buffer area, development shall be confined to the area outside of the riparian buffer area to the maximum extent practical. If the area outside of the riparian buffer area is insufficient for the proposed use, the governing body may grant an exception. Such development shall be in full compliance with all other requirements of this ordinance.

3. In either case, a or b above, the riparian buffer shall be established and maintained to the maximum extent practical as per this Article.

4. Where a wetland exists within the buffer area, the buffer shall be extended landward to provide a minimum buffer of 25 feet, as measured perpendicularly from the wetland boundary. For Exceptional Value or High Quality streams, or tributaries to such streams, this distance shall be 50 feet.

5. Where a lot or parcel that has been legally created and recorded prior to the effective date of this ordinance is located entirely or partially within any identified riparian buffer area, existing uses within the buffer are permitted to continue provided that the use does not entail construction or development other than as provided for in this Article within the buffer.

B. Where an existing lot or parcel is subdivided, all legal and permitted activities or structures existing within the buffer as of the effective date of this ordinance shall be permitted to continue subject to the following:

1. The riparian buffer shall be established to the maximum extent practical as per this ordinance.

2. No new development or expansion of existing activities shall be allowed within the riparian buffer area.

3. Any changes in the use of the lot or parcel shall be considered a new use and shall be subject to the full requirements of this ordinance.
Model Zoning Ordinance

Section 2314. New Uses

A. Creation of new lots

1. Any new lots or parcels created after the effective date of this ordinance shall contain adequate area outside of the riparian buffer area for the proposed use.

2. Development activities for lots or parcels created after the effective date of this ordinance shall comply with all provisions of this ordinance. This requirement is not intended to supercede other sections of this ordinance.

3. Where a new lot or parcel is created through subdivision or any other means, a riparian buffer shall be established in accordance with this ordinance.

4. No exceptions shall be granted for development of any lot or parcel created after the effective date of this ordinance.

B. The conversion of land within the buffer area from an existing use to a non-existing use, whether through a subdivision, land development, construction, or other means, shall be in full compliance with this Article. This includes conversion of land to agricultural uses.

C. Subdivision plans approved by (municipality) after the effective date of this Article shall contain the following:

1. All information required by this Article.

2. Restrictions, prohibitions and requirements of the buffer area.

Section 2315. Buffer Requirements

A. Where a riparian buffer is required under this Article the riparian buffer shall be established as follows:

1. The buffer shall be a minimum of 50 feet measured perpendicularly from the top of the stream bank landward. For streams or tributaries to streams classified as High Quality or Exceptional Value, the buffer width shall be 100 feet.

2. The buffer shall be undisturbed forest consisting of appropriate native species.

3. The following uses, and no other uses, shall be permitted in the buffer.

   a. Footpaths, trails and bike paths provided that:

      (1) The above are limited to 5 feet in width.

      (2) The width may be increased, subject to the approval of the governing body, provided a corresponding increase in the buffer is provided.

      (3) The above shall be constructed in such a manner as to minimize the impact to the buffer during and after construction.

      (4) To the greatest extent practical, allowable uses shall not create concentrated flows within or across the buffer area.

   b. Stream crossings provided the crossing is designed and constructed in such a manner as to minimize the impact to the buffer. The riparian buffer shall be restored to its original condition, to the maximum extent practical, upon completion of the construction.
c. Utility lines provided that the crossing is designed and constructed in such a manner as to minimize the impact to the buffer and provided that there is no practical alternative to locating the utility line within the buffer. The riparian buffer shall be restored to its original condition, to the maximum extent practical, upon completion of the construction.

d. Removal of vegetation necessary to maintain the riparian buffer.

e. Maintenance and restoration of the riparian buffer.

f. Projects conducted with the objective of improvement, stabilization, restoration, or enhancement of the stream bank, stream channel, floodplain, watershed hydrology, riparian buffers or aquatic habitat and maintenance activities associated with such projects. These projects include but are not limited to agricultural and stormwater management best management practices. Such projects must receive appropriate permits and approvals from PA DEP prior to starting the project.

g. Minor private recreational uses for the property owner. Such uses include benches, fire rings, and similar uses. Such uses do not include structures such as cabins, sheds, pavilions, garages, dwellings or similar structures.

B. Additional requirements

1. Additional widths: Where wetlands are located partially or entirely within a buffer, the buffer shall be extended to encompass the wetland and shall be widened by a distance sufficient to provide a 25 foot forested buffer measured perpendicularly from the wetland boundary. This distance shall be increased to 50 feet where the stream is Exceptional Value or High Quality, or a tributary to an Exceptional Value or High Quality Stream.

2. Minimization of impacts, restoration and permit requirements for allowable uses

   a. Disturbance of the riparian buffer shall be limited to the area necessary to perform the allowable use.

   b. Where possible and practical, disturbances shall be phased, with each phase restored prior to beginning the next phase.

   c. Allowable activities shall not cause stormwater flow to concentrate.

   d. Any vegetation removed for the allowable activity shall be replaced immediately upon completion of the activity. Where mature trees are removed, such trees may be replaced with the largest tree of acceptable native species practical.

   e. Erosion and sediment pollution controls shall be installed and maintained. Evidence of an approved Erosion and Sediment Control plan and/or NPDES Permit, if required, must be submitted prior to issuance of local permits.

   f. If a permit from PA DEP is required for the activity, evidence of an approved permit must be submitted prior to issuance of local permits.

C Maintenance

1. Removal of standing dead trees or trees that are in danger of falling is permitted. Such material shall be removed from the floodplain or from the buffer, whichever is widest or cut into sections small enough so as not to present the possibility of creating obstructions downstream.
2. Trees that have fallen present a danger of obstructing downstream bridges or culverts, thereby increasing flood hazard potential. Such trees shall be removed from the floodplain or from the buffer, whichever is widest or cut into sections small enough so as not to present the possibility of creating obstructions downstream.

3. Plant species that threaten the integrity of the buffer shall be removed.

4. The use of herbicides or fertilizers within the buffer is not recommended. If necessary, such chemicals shall be used only the extent necessary.

Section 2316. Exceptions

A. If compliance with any provisions of this Article would result in an exceptional hardship to a prospective builder, developer or landowner, the Board of Zoning may, upon request, grant relief from the strict application of the requirements.

B. Requests for exceptions shall be considered by the Board of Zoning Appeals in accordance with the procedures contained in this Ordinance and the following:

1. If granted, a variance shall involve only the least modification necessary to provide relief.

2. In granting any variance, the Board of Zoning Appeals shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

C. A complete record of all requests for variances and related actions shall be maintained by (municipality).

E. No exception shall be granted for any activity on lots created after the date of this Article.
ARTICLE 24

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)
OVERLAY DISTRICT

Section 2400. Purposes

Traditional Neighborhood Development (TND) is primarily intended to:

A. Encourage new development to occur in a manner that will be consistent with the traditional patterns and scale of development and mix of uses that occurred in the region in the mid 1900s.

B. Promote a mix of diverse, but compatible, types of neighborhood development.

C. Avoid development that would be inconsistent with the character of the community, and could cause inefficient patterns of sprawled development.

D. Encourage a blending of recreation areas, preserved natural features, compatible institutional uses, and a mix of housing at a medium density, including housing intended to be affordable to middle income persons.

E. Provide a reasonably safe and convenient pedestrian, bicycle and vehicle circulation, with an emphasis on avoiding conflicts between vehicles backing out of garages across sidewalks.

F. Encourage persons to live, work, shop, attend religious services and enjoy recreation with (municipality).

G. Encourage the creation of a sense of place, feelings of belonging and a community spirit that promotes social interaction.

H. Encourage the location of principal non-residential uses with distinguished architectural features at prominent locations around a central commons, to serve as a focal point for the development.

I. Serve the purposes for Traditional Neighborhood Development as listed in the Pennsylvania Municipalities Planning code, as amended.

J. To allow TNDs to have a higher density and a wider range of uses than would otherwise be allowed, in return for a higher level of site design and preservation of common space.

K. To promote the placement of new single-family detached dwellings abutting pre-existing single family detached dwellings on abutting lots.

Section 2401. Applicability

A. The TND Overlay District is shown on the (municipality) Zoning District Map. Within the TND Overlay District, in addition to development allowed under the underlying zoning district, an applicant shall also have the option of developing a TND under the provisions of this Article.

B. A TND shall be permitted by right within the TND Overlay district. If an area of land is not within a TND Overlay District, the applicant may request that the (governing body) consider a zoning map amendment to add the TND Overlay District to that land area.

C. If an applicant chooses to utilize the TND option, all the requirement of this Article shall apply. All the provisions of this zoning ordinance and other (municipality) regulations shall remain in full force, except for provisions modified by this Article. Where this Article and another (municipality) Zoning Ordinance and/or Subdivision and Land Development Ordinance apply to the same matter, the provisions of this Article shall apply in place of the other provision(s).
Section 2402. Stub Streets

A. Any TND shall be designed with a stub street right-of-way extending to the edges of the tract if (municipality) determines that there is potential for interconnected streets onto an adjacent tract. (Municipality) may choose to require a temporary turn-around until streets are connected. The developer of the adjacent tract shall be responsible to fund the completion of the construction of such street extensions at the time they would be needed.

Section 2403. Master Plan

A. The TND shall be developed following a Master Plan. Consistent with final plan approvals, individual portions of a TND may be owned and constructed by different entities, provided there is compliance with the Master Plan and any phasing plan.

B. Before any use is approved or lot is subdivided for a TND, the applicant shall submit and have approved a Master Plan. Such Master Plan shall be submitted as part of, or prior to, a preliminary plan submission for a TND.

C. Such Master Plan shall address coordinated vehicle access from all adjacent land owned, equitably owned or otherwise controlled by the applicant.

D. If the applicant’s land extends into an adjacent municipality or zoning district, the Master Plan shall also show such area with a plan for coordinated road and infrastructure system.

E. The Master Plan shall be fully coordinated with any existing, proposed or approved development on adjacent land, including provisions for pedestrian and bicycle access to adjacent tracts.

F. Landscaped open space and recreation areas shall be interspersed on the TND Master Plan. Pedestrian and motor vehicle routes shall be laid out to complement the interaction between the TND core and its residential areas.

G. The Master Plan shall show proposed streets, alleys, cartway widths, approximate lot lines and dimensions, common open space, recreation areas, major pedestrian and bicycle pathways, parking areas, major detention basins and proposed types of housing and non-residential uses. The Master Plan shall designate certain areas for primarily commercial use, certain areas as preserved open space, and certain areas for various types and densities of residential development, the intent is to have the higher density areas closer to the core, and lower residential densities adjacent to pre-existing single-family detached housing development on adjacent lots.

H. The Master Plan and application for a Traditional Neighborhood Development shall be reviewed by the (municipality) Planning Commission and the (governing body). After any modifications, the Master Plan shall become part of the approved preliminary plan under the Subdivision and Land Development Ordinance. Once preliminary plan approval is granted for the TND, individual lots may be submitted for final plan approval under the (municipality) Subdivision and Land Development Ordinance and uses allowed by this Article may occur as permitted by right uses.

I. The Master Plan is not required to include the same level of engineering detail as a preliminary subdivision plan. Stormwater calculations, construction details, erosion and sedimentation control plans, profiles and similar engineering details are not required on the Master Plan. The Master Plan shall include sufficient information to accurately show existing conditions and the proposed layout of homes, non-residential uses, open spaces and streets.

J. Changes to the Master Plan may occur provided there is compliance with (municipality) ordinances. (Municipality) may require a revised preliminary Subdivision and Land Development Plan to be submitted
Section 2404. TND Requirements

A. The existing street system shall be extended into the new TND development, to the maximum extent feasible. Streets shall be interconnected throughout the TND development.

B. The TND shall have a central focal point, such as a central commons, park or commercial area similar to a historic main street. Streets and trails should lead towards this focal point.

C. A cul-de-sac street shall only be permitted where the applicant proves there is no reasonable alternative. Street linkages shall be provided to allow connections with future phases of development or adjacent tracts. Where direct street access is not practical between two areas, the (municipality) (governing body) may require the provision of bicycle and pedestrian access using an easement and/or trail.

D. A minimum of sixty percent (60%) of the dwelling units shall have access to a front door accessing onto an unenclosed front porch with a minimum depths of five feet (5’) and a minimum length of eight feet (8’). The porch shall be covered by a permanent roof. The porch shall not be enclosed, now or in the future.

E. The applicant shall prove that proper site planning and architectural design will be used to minimize visual impact of garages and garage doors as viewed from the front of a residential lot. A minimum of fifty percent (50%) of the dwelling units shall not have garage doors for two or more automobiles facing onto a street at the front of the dwelling. The placement of garages along rear or side alleys or to the rear of the lot with a side driveway is encouraged. No garage shall be located with a smaller setback from the front lot line along a street than the living quarters of the dwelling. For single family detached dwellings that have a front facing garage, the garage should be set back a minimum of twenty feet (20’) greater than the front of the dwelling. No garage or carport shall be permitted within five feet (5’) of the right-of-way of an alley.

1. Garage doors shall not make up more than fifty percent (50%) of the front street level of the facade of a dwelling. Driveways and off-street parking spaces shall not make up more than fifty percent (50%) of the land area of the front yard between the front of a dwelling and the street right-of-way.

F. All streets and alleys shall have a right-of-way, whether public or private.

G. To the maximum extend feasible, vehicle parking, carports and garages shall be placed to the rear or side of lots, preferably with rear or side access. The following alternative methods of providing parking are permitted and encouraged:

1. A rear landscaped shared parking court or shared carport structure.

2. A garage placed toward the rear of a lot, with a side driveway that is of minimal width within the front yard and then widens in front of the garage.

3. A detached rear garage or rear individual parking pad or side-entry garage accessed from a rear alley of a side street.

4. Decks built to extend over garages or over driveways leading to garages.

5. A landscaped shared parking court connected to a street, provided that pared vehicles do not need to back out onto a through street and provided that all paving is setback a minimum of twenty feet (20’) from any dwelling, other than a front porch.

6. If driveways pass through the front of a lot, such as to reach detached rear garages, the applicant is encouraged to place driveways of adjacent dwellings immediately adjacent to each other. This
would allow the driveway on each lot to be narrower. However, each property owner shall still be responsible for their own half of the driveway and each half shall be wide enough to allow a passenger car to travel on each separate lot. As an alternative, (municipality) may approve shared driveways with maintenance by a legally binding cross access easement.

H. All principal buildings shall have a minimum roof pitch of 4/12 or have the appearance of such a roof pitch as viewed from the street, except that a flat roof may be approved for non-residential buildings if the buildings have a decorative cornice. Variations in roof lines are encouraged.

I. Sidewalks or other (municipality) approved pedestrian pathways shall be provided along both sides of each street, unless a waiver is granted in writing by the (governing body) under the (municipality) Subdivision and Land Development Ordinance. The width of sidewalks shall be a minimum of eight feet (8’) along a commercial main street (which may include street tree wells) and a minimum of five feet (5’) at other locations.

1. A sidewalk in a commercial main street area shall be constructed primarily of decorative masonry or material that has the appearance of decorative masonry. This may include interlocking brick pavers or concrete pavers or patterned concrete that has the appearance of brick. The use of dry laid pavers on a suitable subsurface of concrete, sand or stone and stone dust is encouraged.

2. Pedestrian crosswalks shall be provided in the commercial main street area using materials and colors that visually distinguish the crosswalk from the street surface and that include some texture. The use of pavers, patterned concrete or stamped textured asphalt is encouraged.

3. The materials, depths and cross-sections of the sidewalks and crosswalks shall be subject to approval by the (municipality), after review by the (municipality) Engineer.

J. Commercial. Allowed commercial uses and their parking areas shall occupy a minimum of five percent (5%) and a maximum of fifteen percent (15%) of the total land area of the TND. This percentage may be increased to twenty percent (20%) if the commercial area will be adjacent to an arterial street. No such maximum percentage shall apply to portions of a TND that are within a commercial district.

1. If a new TND is proposed adjacent to a previously approved TND, and if the first TND included a commercial area, the second TND is not required to include a commercial area.

2. The majority of commercial uses shall be placed in a Main Street style commercial area, with the businesses fronting upon a through street. Buildings in commercial areas of a TND are encouraged to have dwelling units or offices placed above the first floor commercial uses.

3. Bulb-out curbs, raised texture crosswalks and similar traffic calming measures are encouraged to be used in the main street area.

4. Any commercial uses that are developed shall be located in an area that is adjacent to a street that is similar to a traditional main street of an historic borough or a Central Commons that is immediately adjacent to such street. One or more prominent sites adjacent to a Central Commons should be proposed for a principal non-residential use. The subdivision approval for a TND may allow for tow or more alternative uses for certain sites, to allow a developer with reasonable flexibility to attract different uses.

K. (Municipality) may require that a twenty foot (20’) wide planting area with a naturalistic mix of deciduous canopy trees, flowering trees, evergreen trees and shrubs be planted along the perimeter of the TND tract where there are concerns about compatibility with the adjacent uses. Such planting area may overlap a required yard, but shall be free of buildings.
Model Zoning Ordinance

L. Housing.
1. The allowed housing types within a TND are listed in Section ____.
2. A minimum of thirty percent (30%) of the dwelling units shall be single-family detached dwellings.

M. Any alleys shall be designed to discourage through traffic. Streets, whether public or private, shall be constructed following (municipality) road bed specifications for a public street. Any alley shall be constructed with six inches (6”) of crushed stone, two inches (2”) of BCBC and one inch (1”) of binder course, unless a modification is granted by the (governing body).

1. Alleys shall have a minimum paved width of twelve feet (12’) if limited to one-way traffic and sixteen feet (16’) if allowing two-way traffic. Additional width shall be required of any parallel parking is permitted. The right-of-way for an alley shall be at least four feet (4’) wider than the cartway (2 feet on each side of the cartway). An alley shall have adequate sight distance at all corners and intersections of alleys.

2. Any alleys shall be maintained by a legally binding home owners association or other maintenance agreement, at no expense to (municipality).

N. New streets shall be sufficient in width to allow on-street parking along at least one side of each street, and provide room for bicycle riding, unless a separate bicycle pathway is provided, (Municipality) may require a prohibition of parking on one side of a street if the street does not have sufficient width for parking on both sides.

O. Public Transit. An applicant for a TND shall provide evidence that it has contacted the provider of public transit services and requested the provision of service to the development once it is significantly complete. If public transit is intended to eventually be provided, the applicant shall show that provisions have been made for convenient public transit stops. (Municipality) may require the applicant to construct one suitable shelter for persons waiting for a public bus. The applicant shall also contact the School district and request comment about appropriate school bus stops within or adjacent to the TND.

P. Street Lights. The applicant shall install street lights meeting minimum requirements of (municipality) and the electric provider. Such street lights shall be of sturdy construction have a decorative design similar to designs used more than 50 years ago, be dark in color (such as black, dark grey or dark green) and have a maximum total height of 22 feet. Street lights shall be provided at all street intersections and at other locations provided by (municipality) as part of the Subdivision and Land Development Plan approval process.

Q. Architecture. The intent is to have unified and consistent architectural style, while avoiding monotony. The applicant shall establish legally enforceable provisions controlling the types of architecture, rooflines, porches and the general types of exterior materials in such a manner as to incorporate the best features of traditional architecture commonly found in boroughs and villages in Pennsylvania, unless the applicant proves to the satisfaction of the (governing body) that a more contemporary architectural style would be appropriate. Such features shall include front porches on most dwellings, landscaped front yards, non-prominent garage doors, varied rooflines and the use of masonry on most facades. The emphasis shall be upon sides of a building visible from a street.

1. Such provisions shall be approved and sealed by a Registered Architect. The substance of such draft provisions shall be provided to (Municipality) in writing for review at the time of Preliminary Subdivision submission. Such provisions shall be subject to approval by the (governing body) as a condition of Final Subdivision and Land Development approval. Any future substantive changes to the architectural provisions established under this Section shall require approval by resolution of the (governing body).
2. Such provisions shall not be designed to require excessive uniformity in design, nor to restrict home purchasers to a single design, but instead to encourage high-quality design with a consistent character. Such provisions shall limit monotony and excessive modernity in architectural design. Standards should also be established for the design of fencing.

3. The architectural provisions shall promote the use of display windows facing onto the public street on a majority of commercial principal buildings in the development. Blank walls without window and door openings shall be avoided facing onto a public street. Blank walls without window and door openings shall be avoided facing onto a public street. Where window openings are not feasible, then enclosed display windows may be used.

4. (Municipality) may require that some or all the architectural provisions be recorded and/or be included in a Development Agreement with (municipality). (Municipality) shall have the authority to ensure that a system continues to be in place to enforce the architectural provisions that were required by (Municipality). However, the (municipality) shall accept no responsibility to directly enforce private deed restrictions upon individual properties.

5. The architectural provisions shall promote use of front or side porches, and be designed to minimize the visual impact of garage doors as viewed from a street.

6. The architectural provisions shall require use of decorative masonry, or materials with a closely similar appearance, on specified minimum percentages of the front facades of a majority of the principal buildings in the development. A maximum of 40 percent of the dwelling units shall have a front façade that is composed primarily of vinyl siding.

7. The architectural provisions shall promote varied rooflines, overhands and/or setbacks along attached dwelling units.

8. The architectural provisions shall promote the use of architectural detailing and features, such as decorative porches, decorative cornices, and shutters on multiple principal buildings in the development.

9. The architectural provisions shall address the locations of front doors, particularly to ensure that most dwellings and business uses have a front door facing onto a street at the front of the building.

10. Buildings of over 150 feet in length shall be designed to have the appearance of smaller connected buildings.

11. Such provisions shall address minimum sizes of street level front windows, roof pitches as viewed from the street, siding materials, porches, front stoops, front awnings, screening of roof top mechanical equipment and similar matters. Such provisions shall also address allowed materials for fences visible from a street.

R. Utility Meters. Utility meters larger than 100 square inches each shall not be attached to the front of a dwelling in a manner that makes them highly visible from a street. If utility meters are attached to the front of the dwelling, they should have colors similar to adjacent building materials and/or should be screened by landscaping.

Section 2405. Allowed Uses

A. The following uses shall be allowed within an approved Traditional Neighborhood Development, provided all the uses are consistent with the Overall Master Plan:

1. Single family detached dwellings
2. Single family semi-detached and two family detached
3. Townhouses, with each dwelling on its own fee-simple or condominium lot
4. Places of Worship and related uses
5. Public transit passenger shelters
6. Library, Community Center, Post Office and Museum
7. Child or Adult Day Care as a principal use or as an accessory use meeting the requirements of this Ordinance.
8. Nursing Home or Assisted Living/Personal Care Center, which shall not exceed 10 percent
9. Offices
10. Private Club
11. Retail Store, Art Gallery, Farmers Market, Financial Institution, Personal Service Use, or Restaurant with each establishment limited to a maximum floor area of 10,000 square feet. Outdoor cafes are encouraged and may extend onto a sidewalk, provided that a minimum 4 feet wide pedestrian pathway is maintained. Drive-through facilities, fuel sales and “adult uses” are prohibited in all cases, except that a financial institution may include a drive-through
12. Exercise Club or Hotel/Bed and Breakfast Inn with a maximum of 30 guest rooms
13. Apartment dwelling units may only be allowed above a street-level commercial use or where allowed under subsection below, and may only be allowed in areas designated for such uses in the approved Master Plan. These dwelling units may be designed as “Live Work Units” that encourage a person to work on the first floor and live in the upper stories.
14. Indoor or outdoor non-commercial recreation facilities owned by the (Municipality) or a property- owner association
15. Preserved open space or a nature preserve
16. Golf course with a minimum acreage of 50 acres
17. Home occupations and accessory uses shall be addressed in the same manner as the underlying zoning district, except that a home occupation shall be permitted by right in an area of the TND that is approved by the (Municipality) for commercial uses
18. A second dwelling unit in an allowed single family detached dwelling building or above the garage of a single family detached dwelling, provided: (1) no more than 5 percent of such dwellings shall have a second dwelling unit; (2) the locations of the lots allowed to have a second dwelling unit shall be designed on the Master Plan; and (3) the second dwelling unit shall not include more than 1,000 square feet of habitable indoor floor area and shall not include more than 2 bedrooms
19. Business buildings shall have their main pedestrian entrance facing a street or a Central Commons
20. No outdoor commercial storage shall be permitted unless it is completely screened by landscaping and/or buildings.
Section 2406. Preserved Open Space

A. A minimum of 20 percent of the total lot area of the tract shall be permanent Preserved Open Space.

1. The minimum amount of Preserved Open Space shall be reduced from 20 to 15 percent of the total lot area of the tract if the applicant commits to construct and continue to provide a minimum of 3 of the following types of recreational facilities, and provided such facilities are available at a minimum for use of the residents and their invited guests with no charge that exceeds the costs of operating and maintaining the facility. A minimum of one of the 3 recreation facilities shall be a community center with a minimum floor area of 2,500 square feet built around an ADA-accessible meeting room for community meetings and social events. That community center may be temporarily used as a sales office until the TND is completed, and may also include a property-owners association office.

   a. 2 golf putting greens
   b. 2 regulation-sized tennis courts
   c. One full or 2 half basketball courts
   d. An outdoor amphitheater that allows seating by a minimum of 100 people and is used for outdoor music concerts, at a minimum, and which does not involve shows with a mandatory admission charge
   e. A swimming pool
   f. A roofed picnic pavilion with tables and seating for a minimum of 40 persons
   g. A fitness center with a variety of exercise machines
   h. An open grass generally level play field with a minimum length of 100 feet and a minimum width of 50 feet that allows for unscheduled informal sports by young persons
   i. A fitness center with a variety of exercise machines
   j. A decorative water fountain or waterfall of sufficient size and scope so as to be a focal point of the community, located at or near the commercial main street

2. A minimum of 25 percent of the required preserved open space shall be in an interconnected area that is linked together with a looping recreation trail.

   a. This open space requirement shall be in place of any recreation land or fee requirement, provided that a minimum of 50 percent of the required preserved open space is improved for active and passive recreation purposes that is open to use by the residents of the TND, at a minimum. A payment of a fee in lieu of providing open space required by this Section shall not be allowed for a TND.
   b. A landscaping plan for the Preserved Open Space shall be prepared by a Registered Landscape Architect.

3. A minimum of 25 percent of the required preserved open space shall be prepared by a Registered Landscape Architect.

B. At least a portion of the Preserved Open Space shall be provided within at least one Central Commons with a minimum lot area of 20,000 square feet.
1. The majority of the Central Commons should be planted so as to eventually result in a canopy of deciduous trees over areas of the Commons that are not planned for active recreation. Existing trees may be retained to serve the same purposes, if found acceptable by a (Municipality) Shade Tree Commission.

2. The required Central Commons shall have a minimum width and minimum length of 60 feet.

3. The required Central Commons shall include benches of durable construction and hard surface pathways. The pathways in a Central Commons shall be ADA-accessible.

C. Stormwater detention basins and drainage channels shall not be used to meet the minimum Common Open Space requirements, except for area that the applicant proves to the satisfaction of (Municipality) (Governing Body) would be able to be attractively maintained and be usable for recreation during the vast majority of weather conditions or that would have the appearance of a natural scenic pond.

Section 2407. Dimensional Requirements

A. Single family detached dwellings

1. Minimum lot area – 5,000 square feet, unless otherwise required by this Ordinance.
2. Minimum lot width at the minimum building setback line – 40 feet, except 50 feet if garage door(s) for 2 or more vehicles will face the front of the dwelling along a street.

B. Two family detached and single family semi-detached dwelling unit

1. Minimum lot area – 4,500 square feet
2. Minimum lot width at the minimum building setback line – 30 feet, except 40 feet if garage door(s) for 2 or more vehicles will face the front of the dwelling along a street.

C. Townhouse dwelling unit

1. Minimum lot area – 2,000 square feet
2. Minimum dwelling unit width at the front of the enclosed dwelling unit – 18 feet, except 24 feet if garage door(s) for two or more vehicles will face onto the front of the dwelling along a street.
3. Maximum number of connected townhouse dwellings: 8
4. Minimum separation distance between each set of townhouses: 20 feet

D. Principal non-residential use (a lot may include more than one allowed non-residential use, and within (municipality) approved commercial areas, principal buildings with a first floor business use may be attached to each other and may include upper story dwelling units):

1. Minimum lot area – 5,000 square feet
2. Minimum lot width at the minimum building setback line – 30 feet

E. Maximum building coverage for each phase of the TND after completion: 40 percent.

F. Building setbacks/yards** (along a street, minimum yards shall be measured from the proposed future/ultimate right-of-way):

1. Front yard and side yard from a local street – minimum 5 feet, maximum 30 feet from a new local street.
2. Front yard or side yard from a collector street – minimum 10 feet, maximum 35 feet from a new collector street.
3. Any yard from an arterial street – minimum 30 feet, except minimum of 10 feet if the arterial street is integrated into the commercial portion of the development.
4. Side yards – minimum 5 feet each, except 0 where buildings are approved to be attached. Commercial buildings shall be allowed to be attached to each other within the approved commercial portion of the development. Each single family semi-detached dwelling unit shall have one side yard, while a side yard shall be required for each end townhouse unit. A detached garage located to the rear of the lot shall have a minimum side yard setback of 3 feet. If a garage is only connected to a dwelling by a breezeway, it may be considered to be attached or detached by the applicant for the purposes of meeting setback requirements.

   a. For a detached principal building, the subdivision plan may be approved with one side yard wider than the other to allow wider use by the residents of the larger side yard and/or to provide for a side driveway to rear parking. In such case, one side yard may be a minimum of 3 feet, provided the total width of the two side yards equals a minimum of 10 feet.

5. Rear yard for a principal non-residential building – minimum 30 feet.

6. Rear yard for a vehicle garage serving a dwelling or a dwelling unit that is allowed to be above a garage – minimum of 5 feet. A deck attached to a dwelling may extend into the rear yard and may extend over a vehicle garage, provided the deck is not enclosed.

7. Each dwelling unit, other than an apartment, shall have a minimum of 300 square feet of usable outdoor space for the exclusive use of the residents of that dwelling unit. If a single family detached dwelling is allowed to have an accessory dwelling, then the two dwellings together shall provide 300 square feet of such outdoor space. Such outdoor private space may be a yard, garden, patio, porch or unenclosed deck or a combination of such features. Measures shall be used to provide some measure of privacy for residents in rear yards, such as use of decorative walls, fencing, berming latticework, awnings or landscaping.

8. See provisions that require two front yards for corner lots.

9. Swimming pools and accessory buildings that are not vehicle garages shall have a minimum side yard and rear yard setback of 3 feet.

10. A maximum of 20 percent of the single family detached, single-family semi-detached dwelling unit or townhouse dwelling units are not required to have a minimum lot width directly along a street right-of-way, provided each dwelling unit: (a) has a minimum lot width of 20 feet along an alley, and (b) fronts upon a landscaped common open space with a paved or concrete sidewalk or pathway that provides pedestrian access to a street.

11. A maximum of 5 feet of the required front yard setback may be used for an unenclosed front porch, stoop, steps, handicapped ramp, awning, or canopy.

** In place of individual fee-simple lots meeting these dimensional requirements, an applicant may choose to utilize a condominium form of ownership. In such case, the lots shall be laid out so that the dimensional and coverage requirements would be physically able to be met as if the dwellings were on fee-simple lots. However, for a condominium development, the actual lot liens do not need to be legally established.
G. Parking Setback. No parking area of 5 or more spaces shall be located within 30 feet from a contiguous lot line of a dwelling that is outside the perimeter of the TND and that existed prior to the enactment of this Section.

H. Maximum Overall Density. The maximum overall density of the Traditional Neighborhood Development shall be determined as follows, as calculated in acres (and decimals):

1. Start with the total land area of the development tract, after deleting existing rights-of-way of existing streets.
2. Delete 75 percent of all areas of land with a slope exceeding 25 percent and delete 50 percent of the area of lands with a slope over 15 to 25 percent from “1” above.
3. Delete 50 percent of the area of lands within the 100 year floodplain from “1” above.
4. Multiply the resulting acreage by the following dwelling units per acre to result in the maximum number of permitted dwelling units within the development. See bonuses in subsection “I”.

   a. For acreage in the A-Agricultural District: 2 dwelling units per acre.
   b. For acreage in the R-1 District: 4 dwelling units per acre.
   c. For acreage in the R-2 District: 6 dwelling units per acre.

Note: This method of calculating density does not require the deletion of stormwater detention basins, shared parking areas, new streets, new preserved/common open space, new alleys or similar features. Therefore, the actual density that could be achieved on a “net” piece of land would be higher than the above numbers.

5. Each 3 beds in a nursing home or personal care center shall be counted the same as one dwelling unit for the purposes of controlling density.

I. Density bonuses:

1. As an option to the applicant, (Municipality) (Governing Body) as part of the conditional use or special exception approval may approve the following increases in the maximum density provided in Subsection 4 above.

   a. If the applicant proves that the architectural standards required by this Article will result in excellence in traditional architectural beyond the minimum requirements of this Ordinance, the maximum density may be increased by a maximum of 0.5 additional dwelling unit per acre.

   b. The maximum density may be increased by a maximum of 0.5 additional dwelling unit per acre if the applicant commits to provide a minimum of 30 percent of the total tract area in Common Open Space.

   c. The maximum density may be increased by a maximum of 0.5 additional dwelling unit per acre if the applicant commits to construct substantial recreation improvements and landscaping beyond the amounts of landscaping and improvements that would otherwise be required. The market value of the additional recreational improvements and landscaping shall exceed a minimum of $15,000 per each additional dwelling unit that is allowed.

   d. The maximum density may also be increased through use of the Age-Restricted Housing Bonus provided in this Article.

J. Maximum Building Height. 45 feet or 3 stories, whichever is more restrictive. See exceptions in Section 415.
Section 2408. Landscaping and Street Trees

A. A green area with a minimum diameter of 4.5 feet shall be provided to accommodate street trees between the curb and the sidewalk, unless an alternative location for street trees is specifically approved by (Municipality). Tree wells may be used. Areas that are between the dwelling and the street curb and that are not used for approved sidewalks shall be maintained in a vegetative ground cover and landscaping.

B. A minimum of one deciduous street tree shall be required for an average of each 50 feet of street frontage on each side of each existing or proposed street. A uniform separation is not required between street trees. Such street trees shall have a minimum caliper when planted of 2 inches, measured 6 inches above the ground level. The species shall be approved by a (Municipality) Shade Tree Commission.

C. The site of a Traditional Neighborhood Development shall carefully consider and maximize the preservation of existing healthy attractive trees with a trunk caliper of 6 inches or more, measured at a height of 3.5 feet above the ground level.

D. A landscape planting plan shall be prepared by a registered landscape architect. Such plan may specify a range of species in various locations and may include typical planting locations without specifying the exact location of each plant. Such plan shall state the minimum initial sizes of landscaping. Such landscaping plan shall be offered for review by the Planning Commission and Shade Tree Commission and shall be approved by (Governing Body) as part of the Subdivision and Land Development Plan.

Section 2409. Parking Incentive

An applicant may meet a maximum of 50 percent of the off-street parking space requirements of adjacent uses by counting on-street spaces parallel to the curb along a local street or along an alley. This provision shall be permitted only:

A. For spaces along the same side of a street along curb that is directly contiguous to the set of lots being served, or a new alley within a TND, and provided the spaces are within 100 feet of each use they serve.

B. If the applicant proves to the satisfaction of the (Governing Body) that the street or alley would be sufficiently wide to allow the parking, and that there are no unusual safety hazards involved, compared to typical on-street parking at other locations.

C. If the applicant proves that such number of parking spaces could be legally accommodated along the street, considering the locations of driveways, fire hydrants and street corners.

Note: Required parking may also be reduced through Article 27, particularly for shared parking among uses.

Section 2410. Deed Restrictions/Covenants

A. The applicant shall submit a written statement of the proposed substance of deed restrictions or similar controls that would affect matters addressed in this Ordinance.

Section 2411. Association Provisions

A. A draft set of homeowner association or condominium association provisions shall be submitted for legal acceptance by the (Municipality) Solicitor prior to recording of the Final Subdivision Plan.

Section 2412. SALDO and Street Standards

As authorized by the Traditional Neighborhood provisions of the State Municipalities Planning Code, the (municipality) (governing body) shall have the authority to modify specific street and other requirements of the
Subdivision and Land Development Ordinance, without proof of hardship, in order to result in a development that is pedestrian-oriented and that promotes low-speed traffic.

A. For example, the (Governing Body) may approve reduced street cartway widths, street right-of-way widths and street curve radii.

B. The (Governing Body) may also defer certain submission requirements from the preliminary to the final plan stage.

C. The applicant shall submit a request for modifications in writing, which shall state the reasons why the modification would be consistent with the purposes for a Traditional Neighborhood Development as stated in this ordinance and the Pennsylvania Municipalities Planning code and would be in the public interest while protecting public safety.

D. The following street right-of-way and cartway widths shall be allowed for new streets that are not dedicated to (Municipality) or the State, in addition to options that are allowed under the Subdivision and Land Development Ordinance:

1. A street fronting upon commercial development with two-way traffic may be constructed with two travel lanes of 12 feet each, diagonal parking lanes of 18 feet each or 8 feet width parallel parking lanes, a 4.5 feet wide planting area for street trees using tree wells on each side of the street, pedestrian sidewalks on each side of the street that a minimum of 8 feet in width (which may count walkable parts of tree wells as sidewalks), and a right-of-way width that extends a minimum of 9 feet on either side of the curb line.

2. A street with two-way traffic that does not front upon commercial development may be constructed with two travel lanes of 10 feet each and 8 feet wide parallel parking, a 4.5 feet wide planting strip with street trees on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of 5 feet and a minimum right-of-way width that extends a minimum of 9.5 feet on either side of the curb line.

E. Any street within the TND Overlay District, whether public or private, shall meet the minimum construction material requirements as any new street intended to be dedicated to (Municipality) under (Municipality).

F. The development shall be subject to review by (municipality) Fire Official to assist (municipality) in determining whether sufficient access points, cartway widths and turning radii will be provided for access by emergency vehicles and equipment.

Section 2413. Access Controls

A. The applicant shall prove that the development involves a fully coordinated interior traffic access system that minimizes the number of streets and driveways entering onto a State highway.

Section 2414. Phasing

A. A phasing plan shall be submitted for the TND. The applicant shall show that each phase of the TND would be able to function properly and meet (municipality) requirements if later phases of the TND are not completed.

Section 2415. Signs

A. For commercial uses, signs shall be allowed meeting the requirements for signs in the C-1 Zoning District. However, no signs shall be internally illuminated, and no freestanding sign shall have a height exceeding 8 feet.
ARTICLE 25

CONSERVATION DESIGN OVERLAY DISTRICT
[See Model Subdivision Ordinance for Accompanying Conservation Design Subdivision Regulations]

Section 2500. Purpose

A. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
B. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
C. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
D. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
E. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents;
F. To implement adopted land use, transportation, and community policies, as identified in the (municipality) Comprehensive Plan;
G. To protect areas of (municipality) with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations;
H. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
I. To provide for the conservation and maintenance of open land within (municipality) to achieve the above-mentioned goals and for active or passive recreational use by residents;
J. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls);
K. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and
L. To conserve scenic views and elements of the municipality's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.

Section 2501. Development Options

A. In order to achieve the above purposes, this Article provides for flexibility in designing new residential subdivisions by allowing four forms of "by-right" development referred to as "options", as summarized below:

1. **Option One: Neutral Density and Basic Conservation**, providing for residential uses at the density permitted by the underlying zoning. Greenway lands comprise approximately half the tract. The flexibly-designed layouts work well with either individual wells and septic systems located in the open space, or with central wells and sewage treatment facilities.

2. **Option Two: Enhanced Density with Greater Conservation**, providing for higher density residential uses and a larger percentage (60% or more) of greenway land in more flexibly designed...
layouts with, other improvements serving the community such as central wells and sewage treatment facilities.

3. **Option Three: Estate Lots**, providing for rural-suburban residential uses at lower densities in conventional layouts of standard house lots, where homes and streets are located carefully to minimize impacts on resource lands.

4. **Option Four: Country Properties**, providing for very low densities appropriate to rural situations, with flexible and reduced design standards in instances where a permanent conservation easement is offered to maintain such uses.

**Section 2502. General Regulations**

A. **Ownership**: The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.

B. **Site Suitability**: As evidenced by the Existing Resources/Site Analysis Plan, the conceptual Preliminary Plan, and the detailed Final Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.

C. **Combining the Design Options**: The various layout and density options described in this Article may be combined at the discretion of the (governing body), based upon demonstration by the applicant that such a combination would better fulfill the purposes of this Article, as compared with applying a single option to the property.

D. **Intersections and Access**: New intersections with existing public roads shall be minimized. Although two access ways into and out of subdivisions are generally required for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow.

E. **Sensitive Area Disturbance**: The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources and Site Analysis Plan. Lands within the 100-year floodplain, wetlands, slopes in excess of 25%, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the conceptual Preliminary Plan and the detailed Final Plan.

**Section 2503. Use Regulations**

Land in the Conservation Design Overlay District may be used for the following purposes:

A. **Single-family detached dwellings in Options 1, 2, 3, and 4 subdivisions**:
   1. On tracts of 6 acres or more, single-family detached dwellings are permitted under the standards found in this Article.
   2. On tracts of less than 6 acres, existing on the effective date of this Ordinance, single-family detached dwellings are permitted under the standards for Options 1 and 2 found in this Article and conventional 60,000 square foot lots with no required greenway land.

B. **Greenway Land**: A portion of residential development, according to requirements of this Article.

C. **Non-Residential Uses**
   The following non-residential uses in accordance with the standards of this Article.
   1. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.
   2. Woodlots, arboreta, and other similar silvicultural uses.
   3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
Model Zoning Ordinance

4. Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit agency.

D. ECHO Housing

1. ECHO housing is permitted as an accessory use, subject to the following provisions:
   a. There shall be a maximum of one Echo housing unit on any legal building lot (see regulations governing Echo housing.

Section 2504. Dimensional Standards and Density Determination

[Note: The following provisions are for when there is no public water or sewer. If public water or where both public water and public sewer are available, or where there is an established pattern of higher density housing, a municipality should adopt regulations in accordance with Table 4-2 in Chapter 4 of the Growing Greener book, which provides suggested alternative dimensional standards for higher densities.]

A. Dimensional Standards For Option 1: Neutral Density And Basic Conservation

1. Density Factor: One dwelling unit per 80,000 square feet as determined through the Adjusted Tract Area approach or yield plan described in this Article

2. Minimum Required Greenway Land:
   a. The subdivision must include at least 50 percent of the Adjusted Tract Area plus all of the constrained land calculated below, as greenway land. Greenway land shall not be used for residential lots, except as provided below.
   b. Large "conservancy lots" of at least 10 acres, conforming to the standards for Option 4 subdivisions found in this Article, and owned by individuals may occupy up to 80 percent of the greenway land, with the remainder (not less than 20%) deeded to a homeowners' association, land trust, or (municipality). However, the greenway land within each conservancy lot remains subject to the standards for greenway land in this Article.

3. Average Minimum Lot Area: 15,000 square feet, on average. Up to twenty (20) percent of the lots may be reduced to a minimum of 10,000 square feet.
   (Note: The typical lot area is likely to be much closer to 40,000 sq. ft. because that lot size can be delivered by developers at the 80,000 sq. ft. density while still meeting the 50% minimum conservation land requirement.)

4. Minimum Lot Width at Building Line: 80 feet

5. Minimum Street Frontage: 20 feet

6. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
   a. Front: 20 feet
   b. Rear: 40 feet
   c. Side: 30 feet separation for principal buildings, with no side yard less than 5 feet

7. Maximum Impervious Coverage: 25 percent limit on each lot.

8. Maximum Height Regulations: 45 feet
B. Dimensional Standards for Option 2: Enhanced Density with Greater Conservation

1. Density Factor: One dwelling unit per 60,000 square feet as determined through the Adjusted Tract Area approach or yield plan described in this Article.

2. Minimum Required Greenway Land:
   a. The subdivision must include at least 60 percent of the Adjusted Tract Area plus all of the constrained land calculated in below, as greenway land. Greenway land shall not be used for residential lots, except as provided below.
   b. Large "conservancy lots" of at least 10 acres, conforming to the standards for Option 4 subdivisions found in this Article and owned by individuals may occupy up to 80 percent of the greenway land, with the remainder (not less than 20%) deeded to a homeowners' association, land trust, or (municipality). However, the greenway land within each conservancy lot remains subject to the standards for greenway land in this Article.

3. Average Minimum Lot Area: 10,000 square feet, on average. Up to twenty (20) percent of the lots may be reduced to a minimum of 7,500 square feet.
   (Note: The typical lot area is likely to be closer to 24,000 sq. ft. because developers can deliver lots at that size and still meet the minimum 60% greenway land requirement.)

4. Minimum Lot Width at Building Line: 80 feet

5. Minimum Street Frontage: 20 feet

6. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
   a. Front: 20 feet minimum
   b. Rear: 40 feet minimum
   c. Side: 25 foot separation for principal buildings, with no side yard less than 5 feet

7. Maximum Impervious Coverage: 30 percent limit on each lot.

8. Maximum Height Regulations: 35 feet

C. Density Determination For Option 1 And 2 Subdivisions

Applicants shall have the choice of two methods of determining the maximum permitted residential building density on their properties. They are as follows:

1. Adjusted Tract Area Approach: Determination of the maximum number of permitted dwelling units on any given property shall be based upon the Adjusted Tract Area of the site. The Adjusted Tract Area equals the gross tract area minus the constrained land (described below).
   a. Constrained land equals the sum of the following:
      (1) All land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing or proposed overhead rights-of-way of utility lines;
      (2) All land under existing private streets;
      (3) Wetlands: multiply the acreage of designated wetlands by 0.95;
      (4) Floodway: multiply the acreage within the floodway by 1.0;
      (5) Floodplains: multiply the non-wetland portion of the 100-year floodplain by 0.50;
      (6) Steep Slopess: multiply the acreage of land with natural ground slopes exceeding 25 percent by 0.80;
Model Zoning Ordinance

(7) Extensive Rock Outcroppings: multiply the total area of rock outcrops and boulder-fields more than 1,000 square feet by 0.90; and

(8) Moderately Steep Slopes: multiply the acreage of land with natural ground slopes of between 15 and 25 percent by 0.25.

b. If a portion of the tract is underlain by more than one natural feature subject to a density factor, that acreage shall be subject to the most restrictive density factor.

c. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from developable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage should not be included when calculating the adjusted tract area.

d. Permitted Dwelling Units: The maximum number of permitted dwelling units equals the Adjusted Tract Area divided by the density factor. (See Section 602.B.1. of the Model Subdivision Ordinance for a hypothetical example.)

2. Yield Plan Approach: Determination of density, or maximum number of permitted dwelling units, shall be based upon density factor of the chosen option (i.e. Option 1 or 2) applied to the gross tract acreage, as demonstrated by an actual Yield Plan. Yield Plans shall meet the following requirements:

a. Yield Plans must be prepared as conceptual layout plans in accordance with the standards of the Model Subdivision Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal.

b. Yield Plans should also reflect the dimensional standards for 80,000 square foot lots, when Option 1 is chosen, and 60,000 square foot lots when Option 2 is chosen, found below. The Yield Plan must identify the site's primary and secondary resources, as identified in the Existing Resources/Site Analysis Plan, and demonstrate that the primary resources could be successfully absorbed in the development process without disturbance, by allocating this area to proposed single-family dwelling lots which conform to the density factory of the chosen option.

c. On sites not served by central sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by individual soils based sewage disposal methods. For the purposes of determining density under this Section, this standard shall exclude holding tanks, individual stream discharge systems and evapotranspiration systems.

d. Based on the ER/SA Plan and observations made during an on-site visit of the property, the municipal Engineer shall select a 10% sample of the lots considered marginal for on-lot wastewater disposal. The applicant shall provide evidence that these lots meet the standards for an individual soils-based septic system. Should any of the lots in a sample fail to meet the standard for an individual soils-based septic system, those lots shall be deducted from the yield plan and a second 10% sample shall be selected by the municipal Engineer and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual soils-based septic system.

e. Yield Plan Dimensional Standards: The following dimensional standards shall be used in the development of Yield Plans for Option 1 and 2 subdivisions. These minimum areal dimensions are exclusive of all wetlands, slopes greater than 25 percent, and land under high-tension electrical transmission lines (69kV or greater). No more than 25 percent of
the minimum required lot area may consist of land within the 100-year floodplain, and only then if it is free of wetlands.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Option 1</th>
<th>Option 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>80,000 sq. ft.</td>
<td>60,000 sq. ft.</td>
</tr>
<tr>
<td>Minimum street frontage</td>
<td>150 feet</td>
<td>125 feet</td>
</tr>
<tr>
<td>Front yard setback</td>
<td>75 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>75 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>50 feet</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

D. Dimensional Standards for Option 3 Subdivisions: Estate Lots

1. Maximum Density: 1 dwelling unit per four acres, Adjusted Tract Area.
2. Minimum Lot Area: 1 acre. All lots created under Option 3 that are less than four acres shall be permanently restricted through a conservation easement from the development of more than one dwelling.
3. Minimum Street Frontage: 150 feet.
4. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
   a. Front: 150 feet from the right-of-way of existing municipal roads, but 40 feet from the right-of-way of new subdivision streets, country lanes, or common driveways (where applicable).
   b. Rear: 50 feet minimum for principal buildings and 10 feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures).
   c. Side: 50 feet
5. Maximum Impervious Coverage: 4 percent limit on entire subdivision tract.
6. Maximum Height Regulations: 45 feet

E. Dimensional Standards for Option 4 Subdivisions: Country Properties

1. Maximum Density: one dwelling unit per ten acres (gross).
2. Minimum Lot Area: 10 acres. The lot shapes shall not be irregular, except as allowed for "flag lots", and shall not have a lot depth-width ratio exceeding 5:1 unless such lots are deed restricted from the development of more than one dwelling. The minimum lot size may be reduced to one contiguous acre in subdivisions of two or more principal dwelling units provided that all remaining land (a minimum of nine acres per principal dwelling) is permanently protected from future development through a conservation easement.
3. Minimum Lot Width at Building Line: 200 feet
4. Yard Regulations:
   a. Front: 150 feet from the right-of-way of existing municipal roads, but 40 feet from the right-of-way of new subdivision streets, country lanes, or common driveways (where applicable).
   b. Rear: 50 feet minimum for principal buildings and 10 feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures).
   c. Side: 25 feet.
5. Maximum Impervious Coverage: 4 percent limit on entire subdivision tract.
Model Zoning Ordinance

6. Maximum Height Regulations: 45 feet

Section 2505. Design Standards for Option 1 & 2 Subdivisions

A. Houselots shall not encroach upon Primary Conservation Areas as identified in Section 402 of the Model Subdivision Ordinance, and their layout shall respect Secondary Conservation Areas as described in the Model Subdivision Ordinance.

B. All new dwellings shall meet the following setback requirements:
   1. From all external road ultimate right-of-way: 100 feet
   2. From all other tract boundaries: 50 feet
   3. From cropland or pasture land: 100 feet
   4. From buildings or barnyards housing livestock: 300 feet
   5. From active recreation areas such as courts or playingfields (not including tot-lots): 150 feet

C. Views of houselots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the Model Subdivision and Land Development Ordinance.

D. Houselots shall generally be accessed from interior streets, rather than from roads bordering the tract.

E. At least three-quarters of the lots shall directly abut or face greenway land across a street.

F. Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the greenway land created under this Article.

Section 2506. Greenway Land Use and Design Standards

Protected greenway land in all subdivisions shall meet the following standards:

A. The following uses are permitted in greenway land areas:
   1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow);
   2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
   3. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required greenway land.
   4. Forestry, in keeping with established best management practices for selective harvesting and sustained-yield forestry.
   5. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses, specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the (governing body)
   6. Active non-commercial recreation areas, such as playingfields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required greenway land or five acres, whichever is less. Playingfields, playgrounds, and courts shall not be located within 100 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.
7. Golf courses, including their parking areas and associated structures, may comprise up to half of the minimum required greenway land, but shall not include driving ranges or miniature golf.

8. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the Greenway.

9. Easements for drainage, access, sewer or water lines, or other public purposes;

10. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required greenway land.

B. Greenway Design Standards

1. Greenway lands shall be laid out in general accordance with (municipality) Map of Potential Conservation Lands (in the Comprehensive Plan) to ensure that an interconnected network of open space will be provided. The required greenway land consists of a mixture of Primary Conservation Areas (PCAs), all of which must be included, and Secondary Conservation Areas (SCAs). PCAs comprise floodplains, wetlands, and slopes over 25%. SCAs should include special features of the property that would ordinarily be overlooked or ignored during the design process. Examples of such features are listed and described in Section 603 (Greenway Design Review Standards) in the Model Subdivision Ordinance.

2. In Option 1 and 2 subdivisions, the greenway land comprises a minimum of 50% and 60% of the Adjusted Tract Area, respectively. This land shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by (municipality), or by a private individual (typically as part of the original farmhouse). However, in no case shall less than 30% of the land comprising the "Adjusted Tract Area" be available for the common use and passive enjoyment of the subdivision residents. These ownership options may be combined so that different parts of the greenway land may be owned by different entities.

3. In Option 3 subdivisions, the required greenway land comprises all of the PCAs within the total tract, and may lie within the Estate Lots. However, because the minimum lot size is one acre, up to 80 percent of the Secondary Conservation land may be included within undivided open space, if the developer so chooses.

4. Greenway lands in Option 4 developments may be contained within the Country Property lots, or up to 80 percent may be set aside as undivided land with common rights of usage among the subdivision residents.

5. Up to five percent of the total tract acreage in any of the options may be subject to (municipality) public land dedication requirement (typically to provide potential connections with the municipal long-range trail network).

6. Buffers for Adjacent Public Parkland: Where the proposed development adjoins public parkland, a natural greenway buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is unwooded, the (governing body) may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

C. Greens. At least 2% to 3% of the required greenway lands shall be in the form of common greens. A green is typically 5,000 – 20,000 square feet in area, with a maximum of 32,00 square feet, and shall be located internal to the developed areas. The minimum percent of open space in greens shall be determined as follows:

1. 2% of the required open space when the average lot size is 15,000 square feet or more.

2. 3% of the required open space when the average lot size is less than 15,000 square feet.
A green shall be created and maintained as the open space around which dwellings are arranged. Dwellings shall face the green with the front façade of the dwelling.

Greens shall be surrounded by roads on at least two sides, but more commonly on 3-4 sides.

D. Other Requirements

1. No portion of any building lot may be used for meeting the minimum required greenway land, except as permitted within Country Properties. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required greenway land.

2. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes in accordance with this Article, shall be provided to greenway land in accordance with the following requirements:
   a. Each neighborhood shall provide one centrally located access point per 15 lots, a minimum of thirty-five (35) feet in width.
   b. Access to greenway land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.

3. All greenway land areas that are not wooded or farmed shall be landscaped in accordance with the landscaping requirements of the Model Subdivision and Land Development Ordinance.

**Section 2507. Permanent Greenway Protection Through Conservation Easements**

A. In Option 1, 2, and 3 Subdivisions

1. In Option 1, 2, and 3 subdivisions, the required greenway land shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. *(For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface septic disposal systems or spray irrigation facilities.*) The determination of necessity shall lie with the (governing body). A list of permitted and conditional uses of greenway lands is contained in this Article in Sections ___ and ___.

B. In Option 4 Subdivisions (Country Properties)

1. In Option 4 subdivisions (Country Properties) where applicants voluntarily opt to develop their properties at densities conforming with Option 4 standards (minimum ten acres per principal dwelling), and offer to place a restrictive conservation easement preventing future subdivision of the newly created parcels, the (governing body) shall review the proposed easements and shall accept them, provided their wording accomplishes the purposes of this Article and is consistent with the Comprehensive Plan and the Open Space Plan.

**Section 2508. Discretionary Density Bonuses**

Additional density may be allowed by the (governing body) when one of the following public benefits is proposed:

A. Public Usage of Greenway Land

1. The (governing body) may encourage the dedication of land for public use (including active and passive recreation areas) according to the following standards: A density bonus for greater public usage of greenway land in new subdivisions shall be computed on the basis of a maximum of one dwelling unit per five acres of greenway land or per 2500 feet of trail that becomes publicly accessible. The decision whether to accept an applicant's offer to dedicate greenway land to public usage within a proposed subdivision shall be at the discretion of the (governing body), which shall
be guided by the recommendations contained in the Open Space Plan, particularly those sections dealing with active recreational facilities and passive trail networks.

B. Endowment For Greenway Maintenance

1. When greenway land is to be donated to a land trust or to (municipality), the (governing body) may allow up to a ten percent density bonus to generate additional income to the applicant for the sole purpose of endowing a permanent fund to offset continuing costs of maintaining the greenway land (involving activities such as mowing meadows, removing invasive vines, paying insurance premiums and local taxes, etc.), including costs associated with active or passive recreation facilities. Spending from this fund should be restricted to expenditure of interest so that the principal may be preserved. Assuming an annual average interest rate of five percent, the amount designated for the Endowment Fund shall be at least twenty (20) times the estimated annual maintenance costs. Such estimate shall be prepared by an agency, firm, or organization acceptable to the (governing body), and with experience in managing conservation land and recreational facilities.

2. Because additional dwellings, beyond the maximum that would ordinarily be permitted, may reasonably be considered to be net of development costs and represent true profit, 75% of the net selling price of the endowment lots shall be donated by the applicant to the Greenway Maintenance Endowment Fund for the greenway lands within the subdivision. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities, at the time this entity is created.

3. When estimating the projected maintenance costs of the greenway land, greenway land that is not accessible by the subdivision residents for their common enjoyment need not be included in the calculations. Such lands would typically include areas designated on the Final Plan for Conservancy Lots or as land reserved for future agricultural, horticultural, silvicultural, or equestrian uses, which may be leased or sold to another party for those express purposes, and which are protected from future development by a permanent conservation easement. In such cases, the density bonus shall be adjusted proportionately to reflect only the acreage that is accessible to residents for their passive or active recreation.

C. Implementation

1. For each of the above categories of public purposes, density bonuses may be implemented by reducing the amount of required greenway land by up to 10%, reducing the minimum lot area requirements by up to 10%, or by a combination of these approaches, at the discretion of the (governing body). The cumulative reductions may total up to 30 percent, if the (governing body) is satisfied that the public purposes are being served.

Section 2509. Ownership and Maintenance of Greenway Land and Common Facilities

A. Development Restrictions

All greenway land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses otherwise provided for in this Ordinance.

B. Ownership Options

The following methods may be used, either individually or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this Section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Ownership methods shall conform to the following:
1. **Fee Simple Dedication to (municipality).** (Municipality may, but shall not be required to, accept any portion of the common facilities, provided that:
   a. There is no cost of acquisition to the municipality; and,
   b. (Municipality) agrees to and has access to maintain such facilities.

2. **Condominium Association.** Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open land and common facilities shall be held as "common element."

3. **Homeowners' Association.** Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:
   a. The applicant shall provide (municipality) a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities;
   b. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development;
   c. Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title;
   d. The association shall be responsible for maintenance and insurance of common facilities;
   e. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted;
   f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to (municipality) no less than thirty days prior to such event; and
   g. The association shall have adequate staff to administer, maintain, and operate such common facilities.

4. **Private Conservation Organization or the County.** With permission of (municipality), an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to _______ County provided that:
   a. The conservation organization is acceptable to (municipality) and is a bona fide conservation organization intended to exist indefinitely;
   b. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or _______ County becomes unwilling or unable to continue carrying out its functions;
   c. The greenway land is permanently restricted from future development through a conservation easement and (municipality) is given the ability to enforce these restrictions; and
   d. A maintenance agreement acceptable to (municipality) is established between the owner and the organization or _______ County.

5. **Dedication of Easements to (municipality).** (Municipality) may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the easements are held by (municipality). In addition, the following regulations shall apply:
   a. There shall be no cost of acquisition to (municipality);
b. Any such easements for public use shall be accessible to the residents of (municipality); and

c. A satisfactory maintenance agreement shall be reached between the owner and (municipality).

6. **Non-Common Private Ownership.** Up to 80 percent of the required greenway land may be included within one or more large "conservancy lots" of at least 10 acres provided the open space is permanently restricted from future development through a conservation easement, except for those uses listed in this Article, and that (municipality) is given the ability to enforce these restrictions.

C. **Maintenance**

1. Unless otherwise agreed to by the (governing body), the cost and responsibility of maintaining common facilities and greenway land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.

2. The applicant shall, at the time of preliminary plan submission, provide a Plan for Maintenance of Greenway Lands and Operation of Common Facilities in accordance with the following requirements.

   a. The Plan shall define ownership;

   b. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands, etc.);

   c. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the greenway land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;

   d. At (municipality's) discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year; and,

   e. Any changes to the maintenance plan shall be approved by the (governing body).

3. In the event that the organization established to maintain the greenway lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, (municipality) may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

4. (Municipality) may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by (municipality) in the office of the Prothonotary of ______ County.
Section 2510. Additional Definitions

A. Conservancy Lot

A large, privately-owned lot comprising part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to greenway land, while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standard for greenway land. Public access to conservancy lots is not required.

B. Greenway Land

That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Greenway land may be accessible to the residents of the development and/or (municipality), or it may contain areas of conservancy lots which are not accessible to the public.
ARTICLE 26
SIGN REGULATIONS

Section 2600. Applicability

A. Purpose. This Article is intended to: promote and maintain overall community aesthetic quality; establish time, place and manner of regulations for the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.

B. Permit Required. A zoning permit shall be required for all signs except for: (a) signs meeting the requirements of Section 2603 and (b) non-illuminated window signs constructed of paper, poster board or similar materials that are not of a permanent nature. Only types, sizes and heights that are specifically permitted by this Article within the applicable District shall be allowed.

C. Changes on Signs. Any lawfully existing sign (including legally nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Article, provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Article.

Section 2601. General Regulations for All Signs

A. Signs must be constructed of durable material and maintained in good condition.

B. No sign shall be maintained within (municipality) in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible, or has loose parts separated from original fastenings.

C. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign shall be made safe or removed within five (5) days.

D. Signs painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.

E. Each sign shall be removed when the circumstances leading to its erection no longer apply.

F. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spot lights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.

G. Internally illuminated signs, designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign, unless otherwise prohibited, will be permitted providing that the light being emitted from the sign shall not cause a glare or emit light onto the surrounding area.

H. Flashing, blinking, strobe, twinkling, animated, streaming or moving signs of any type shall be prohibited. A sign may only change from one message to another message provided the message does not change more than once every hour, except that displays of time and temperature may change more frequently. In addition,
flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit seasonal Christmas lighting or displays that comply with this Article.

I. No sign shall be located so as to interfere with visibility for motorists at street or driveway intersections.

J. No sign located within three hundred feet (300’) of any traffic light shall be illuminated with red, green, or yellow lights.

K. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.

L. Signs must be positioned so that they do not interfere with any clear sight triangle as defined herein;

M. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner, including, but not limited to:
   1. Any graphic illustration pertaining to specified sexual activities, specified anatomical areas, or both; and,
   2. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above;

N. No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.

O. No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger.

P. No sign shall be permitted attached to public utility poles or trees which are within the right-of-way of any street.

Q. Within an area regulated by the (municipality) Floodplain Ordinance, no freestanding sign shall be permitted and no wall mounted sign shall exceed six (6) square feet.

R. In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be constructed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area.

S. Only those signs referring directly to services, materials or products made, sold, or displayed on the premises shall be permitted, except as otherwise provided in this Article.

T. Except for flat wall signs, no point of any sign, including trim, border and supports, shall be located within ten (10’) of any property line or street right-of-way.

U. No sign shall emit smoke, visible vapors or particles, sound or odors.

V. No sign shall contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Ordinance.
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W. No signs shall be of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street.

X. No sign shall display words or images that are obscene or pornographic.

Y. Any sign attached to a building shall not be placed on the roof, be higher than the wall to which it is attached, or located on a parapet wall.

Z. No point of a wall projecting sign shall be located less than eight and one-half feet (8 ½’) above the grade directly below the sign.

AA. No sign shall be affixed to any motor vehicle or trailer in such a manner that the carrying of such sign is no longer incidental to the vehicle’s primary purpose.

BB. No sign or sign structure shall constitute a hazard to public safety or health, including a sign which fails in the determination of the Zoning Officer to properly shield its light source from providing unacceptable glare to a neighboring property or the public street.

CC. No sign shall by reason of size, location, content, coloring or manner of illumination, obstruct the vision of drivers, either when leaving or entering a roadway from another roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.

DD. No signs shall make use of words such as “stop”, “look”, “one-way,” “danger,” “yield” or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic.

EE. No sign located on public property or a public right-of-way shall bear any commercial advertising or announcement.

FF. No sign shall be painted on, attached to or supported by a tree, stone, cliff or other natural object.

GG. Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature, provided that the latter shall not occupy more than thirty-three and one-third percent (33 1/3%) of the total display window area for a period not to exceed ten days;

Section 2602. Determination of Size of Sign Area

A. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
B. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign; provided, however, for a double-face sign, if the interior angle formed by the two faces of the double-face sign is less than forty-five degrees (45°) and the two faces are at no point no more than three feet (3’) from one another, the area of only the larger face shall be used to determine the sign area.

Section 2603. Miscellaneous Signs Not Requiring Permits

*See footnotes at the end of the table.*

<table>
<thead>
<tr>
<th>Type and Definition of Signs Not Requiring Permits</th>
<th>Max. No. of Signs per Lot</th>
<th>Max. Sign Area per Sign* on a Residential Lot (Sq. Ft.)</th>
<th>Max. Sign Area per Sign* on a Non-Residential Lot * (Sq. Ft.)</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athletic Field Signs – Such as those commonly found on the inside side of outfield walls / fences of baseball fields</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Signs shall only be placed facing the ballfield.</td>
</tr>
<tr>
<td>Christmas Tree Sign – Advertises the seasonal sale of Christmas trees</td>
<td>2</td>
<td>8</td>
<td>20</td>
<td>Shall only be posted during seasons when such products are actively offered for sale.</td>
</tr>
<tr>
<td>Charitable Event Sign – Advertises a special event that primarily is held to benefit an established tax-exempt nonprofit organization</td>
<td>2</td>
<td>4</td>
<td>20</td>
<td>Shall be placed a maximum of 14 days prior to event and removed a maximum of 4 days after event.</td>
</tr>
<tr>
<td>Contractor’s Sign – Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person’s place of business</td>
<td>1 per company working on the site</td>
<td>4</td>
<td>20</td>
<td>Shall only be permitted while such work is actively and clearly underway and a maximum of 4 days afterward. Shall not be illuminated.</td>
</tr>
<tr>
<td>Apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Sign Regulations

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Quantity</th>
<th>Top Limit</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flag</td>
<td>1</td>
<td>15</td>
<td>Governmental flags and flags without an advertising message are not regulated by this Article. Also, a corporate flag may be displayed on a flag pole.</td>
</tr>
<tr>
<td>Garage Sale Sign</td>
<td>1 per event</td>
<td>4</td>
<td>Shall be placed a maximum of 7 days before permitted garage sale or auction begins, and be removed maximum of 24 hours after event ends.</td>
</tr>
<tr>
<td>Home Occupation Sign</td>
<td>1</td>
<td>2</td>
<td>Shall not be illuminated if within a residential district. Shall be attached to the principal building or within a building window and shall not be freestanding.</td>
</tr>
<tr>
<td>Identification Sign</td>
<td>1</td>
<td>1</td>
<td>No freestanding sign permitted</td>
</tr>
<tr>
<td>Open House Sign</td>
<td>2 per event</td>
<td>4</td>
<td>Shall be placed maximum of 4 days before open house begins, and be removed max. of 24 hours after open house ends.</td>
</tr>
<tr>
<td>Political Sign</td>
<td>Max. of 1 sign per candidate or issue</td>
<td>4</td>
<td>Shall be placed a maximum of 30 days prior to any election or scheduled vote or referendum to which the sign may relate, and removed a maximum of 7 days after such election, vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on property without the prior consent of the owner.</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Sign Category</th>
<th>No. per street</th>
<th>No. per street_1</th>
<th>Total No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Services Sign</td>
<td>No max.</td>
<td>2</td>
<td>2</td>
<td>Advertises the availability of restrooms, telephone or other similar public convenience.</td>
</tr>
<tr>
<td>Real Estate Sign</td>
<td>1 per street that the lot abuts</td>
<td>4</td>
<td>15</td>
<td>Advertises the availability of property on which the sign is located for sale, rent or lease. Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a maximum of 7 days after settlement or start of lease.</td>
</tr>
<tr>
<td>Roadside Stand Sign</td>
<td>2 per farm</td>
<td>6</td>
<td>6</td>
<td>for the sale of agricultural products upon a farm property</td>
</tr>
<tr>
<td>Service Organization/Place of Worship Sign</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>An off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location</td>
</tr>
<tr>
<td>Special Sale Signs</td>
<td>2 per lot</td>
<td>Not permitted</td>
<td>Total of 30 sq. ft. for all such banners, flags and other temporary signs</td>
<td>Shall be displayed a maximum of 7 days per event. Such signs shall not flash or obstruct safe sight distances.</td>
</tr>
<tr>
<td>Time and Temperature Sign</td>
<td>1</td>
<td>Not permitted</td>
<td>30</td>
<td>With a sole purpose to announce the current time and temperature and any non-profit public service messages Shall not include advertising. If includes advertising see signs permitted by zoning district.</td>
</tr>
<tr>
<td>Trespassing Sign</td>
<td>No max.</td>
<td>2</td>
<td>2</td>
<td>Indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot</td>
</tr>
</tbody>
</table>
Abbreviations: “max.” = maximum; “min.” = minimum; “hrs.” = hours

* A “Non-residential Lot” shall be considered a lot occupied by a lawful principal Commercial, Industrial or Institutional use.”

Section 2604. Signs Not Regulated by This Article

A. Historic Sign. A sign that memorializes an important historic place, event or person and that is specifically authorized by (municipality) or _______________ County, State or Federal agency.

B. Holiday Decorations. Decorations that commemorate a holiday recognized by (Municipality), County, State or Federal Government and that does not include advertising.

C. Not Readable Sign. A sign that is not readable from any public street or any exterior lot line.

D. Official Sign. A sign erected by the State, ___________ County, (municipality) or other legally constituted governmental body, or specifically authorized by (Municipality) ordinance or resolution, and which exists for public purposes, such as but not limited to, identifying public transit stops.

E. Required Sign. A sign that only includes information required to be posted outdoors by a government agency or (Municipality).

F. Right-of-Way Sign. A sign posted within the existing right-of-way of a public street and officially authorized by the (Municipality) or PennDOT.

Section 2605. Freestanding, Wall and Window Signs

A. The following signs are permitted within the specified zoning districts, in compliance with the following regulations. In addition, “Exempt Signs” and “Temporary Signs” are permitted in all districts by other provisions of this Article. See definitions of the types of signs in Article 2.

See footnotes at the end of the table.

<table>
<thead>
<tr>
<th>Zoning District or Type of Use</th>
<th>Maximum Total Height of Freestanding Signs</th>
<th>Maximum Area of Wall Signs</th>
<th>Maximum Area of Window Signs</th>
<th>Maximum Area and Number of Freestanding Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Districts, with these signs limited to allowed principal non-residential uses.</td>
<td>6 feet</td>
<td>20 sq. ft.</td>
<td>May be used in place of a wall sign with the same restrictions. Such signs shall be on the inside of windows or printed on the window itself.</td>
<td>One sign on each street the lot abuts, each with a maximum sign area of 8 sq. ft., except that the sign area may be increased to 15 square feet for a place of worship, primary or secondary school, fire station, post office, or name of residential development</td>
</tr>
</tbody>
</table>

See footnotes at the end of the table.
<table>
<thead>
<tr>
<th>District* and District*</th>
<th>Height</th>
<th>Area</th>
<th>Regulations</th>
<th>Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>VMU District* and C-1 District*</td>
<td>8 feet</td>
<td>15 sq. ft. per business</td>
<td>Temporary non-illuminated window signs are not regulated. Other window signs are regulated under wall signs. Such signs shall be on the inside of windows or printed on the window itself.</td>
<td>One sign per lot with a maximum area of 12 sq. ft.**</td>
</tr>
<tr>
<td>C-2 District*</td>
<td>20 feet</td>
<td>5% of the vertical area of the building side on which the signs are attached, but in no case exceeding a maximum total of 175 square feet per building.</td>
<td>Temporary non-illuminated window signs are not regulated. Other window signs are regulated as wall signs.</td>
<td>One sign per lot with a maximum area of 24 sq. ft.**, ***, ****</td>
</tr>
<tr>
<td>INS District*</td>
<td>20 feet</td>
<td>5% of the vertical area of the building side on which the signs are attached, but in no case exceeding a maximum total of 175 square feet per establishment for all walls combined.</td>
<td>Temporary non-illuminated window signs are not regulated. Other window signs are regulated as wall signs.</td>
<td>One sign per street that the lot abuts, each with a maximum area of 24 sq. ft.**</td>
</tr>
<tr>
<td>I-1 and I-2 Districts*</td>
<td>20 feet</td>
<td>5% of the vertical area of the building side on which the signs are attached, up to a maximum total of 175 square feet per building.</td>
<td>Temporary non-illuminated window signs are not regulated. Other window signs are regulated as wall signs.</td>
<td>One sign per street that the lot abuts, each with a maximum area of 24 sq. ft.**, ***, ****</td>
</tr>
</tbody>
</table>

*In the VMU, C-1, C-2, INS., I-1, I-2 Districts, the following additional signs shall be allowed:

1. A maximum of one Projecting Sign shall be permitted per business, provided:
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a. Such sign has a minimum clearance over the sidewalk of 8 ½ feet (unless a differing standard is established by the Building Code).

b. Has a maximum sign area on each of 2 sides of 8 square feet, and

c. Is securely attached to the building.

2. A maximum of one Sidewalk Sign (or “sandwich board sign”) shall be permitted per business provided:

a. Such sign has a maximum sign area of 8 square feet on each of 2 sides, has a maximum separation width of 3 feet, and has a maximum height of 4 feet.

b. Such sign is taken indoors during all hours when the business is not open to the public.

c. Such sign is not in a location that would interfere with pedestrian traffic, emergency access or parking spaces and retains a 4 feet wide minimum clear path for pedestrians, and such sign is kept as close to the building as is feasible.

d. Such sign is attractive, well-maintained and durably constructed.

e. Such sign is only allowed for a restaurant or retail sales use.

** If the permitted freestanding sign area is not used, such sign area may be added to the permitted wall sign area. An auto service station may also include an additional 24 square feet of sign area to display fuel prices.

*** If a lot includes 3 or more distinct non-residential establishments, then along a single street, the maximum freestanding sign area may be increased to 40 square feet.

**** If a lot includes 10 or more distinct non-residential establishments and is adjacent to two or more public streets, then one additional freestanding sign shall be permitted on each of the streets, each with a maximum sign area of 200 square feet.

B. Placement and Maximum Height of Wall Signs

1. A wall sign shall not be placed upon a wall that faces onto a residential zoning district. This shall not prevent the placement of a wall sign on a building side that faces onto an abutting public street.

2. The maximum height of wall signs shall be equal to the top of a structural wall to which the sign is attached. A sign shall not be attached to a parapet wall or to a pitched or mansard roof, and shall not extend above a roof.

3. A sign may be placed on canopy over gasoline sales, however, the square footage of such sign shall be included as permitted wall sign area.

C. Portable Signs (Including “Signs on Mobile Stands”) and Other Temporary Signs
1. Portable signs are prohibited in all districts, except as a temporary Charitable Event sign complying with this Article and except for a sandwich board sign meeting the requirements of this Article.

Section 2606. Construction of Signs

A. Every sign (except allowed temporary signs) shall be constructed of durable materials. Every sign shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a damaged, dilapidated or unsafe sign within a specified period of time. If such order is not complied with, (municipality) may repair or remove such sign at the expense of such owner or lessee.

Section 2607. Definitions of Signs

A. See Article 2.

Section 2608. Abandoned or Outdated Signs

A. Signs advertising a use no longer in existence shall be removed within 90 days of the cessation of such use. If the owner of a property does not remove such sign within 30 days after receiving a written notice from the Zoning Officer, the sign may be removed by (Municipality) at the expense of the property owner.

B. These time limits shall not apply to a sign intended to be reused with a new sign face serving a building that is clearly temporarily vacant and being offered to new tenants or for purchase.

Section 2609. Location of Signs

A. Setbacks

1. A sign shall not intrude into or project over an existing street right-of-way, unless specifically authorized by a permit from (Municipality) or PennDOT. The (Municipality) Police Department, Zoning Officer, his/her designee or the owner of a pole or tree shall have the authority to remove and dispose of signs attached to a utility pole or tree. The (governing body) may approve a temporary banner over a street cartway to advertise a charitable event.

2. Unless specifically stated otherwise, a freestanding sign shall be setback a minimum of 5 feet from the street right-of-way. Unless specifically stated otherwise, a freestanding sign shall be setback a minimum of 10 feet from a lot occupied by a primarily residential use.

3. These setbacks shall not apply to Official Signs, Identification Signs on mailboxes, Public Service Signs and Directional Signs.

B. Sight Clearance

No sign shall be so located that it interferes with the sight clearance requirements of this Ordinance.
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C. Off-Premises

No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate.

D. Permission of Owner

No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received from the owner.

Section 2610. Off-Premise Signs (Including Billboards)

A. Purposes

Off-premise signs are controlled by this Article for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in (municipality) and protect property values, especially in consideration of the fact that most commercial areas of (municipality) are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in (Municipality), including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media.

B. Nonconforming Off-Premise Signs

This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.

C. PennDOT Sign

Signs erected and maintained by PennDOT are permitted by right in all Districts.

D. Permitted Off-Premise Signs

1. District. An off-premise sign is only permitted in the I-1 and I-2 Districts.

2. Location. An off-premise sign shall be setback a minimum of 25 feet from all non-residential lot lines and street rights-of-way. No off premise sign greater than 20 square feet shall be located within 200’ of a lot line for a residential zoning district.

3. Maximum Sign Area. 200 square feet.

4. Spacing. Any off-premise sign shall be separated by a minimum of 1,000 feet from any other off-premise sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than one off-premise sign.
5. **Maximum Height.** 35 feet above the elevation of the adjacent street or highway, measured at the street or highway centerline.

6. **Attached.** No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign may have 2 sign faces of 200 square feet each if they are placed approximately back-to-back.

7. **Control of Lighting and Glare.** See standards in this Ordinance.

8. No off-premise sign greater than 30 square feet in sign area shall be located within 200 feet from a lot line of an existing dwelling.

9. The sign shall be maintained in a good and safe condition. The area around the sign shall be kept free of debris.

**Section 2611. Permits to Build New Permanent Signs or Alter or Move Existing Permanent Signs**

A. No permanent sign shall hereafter be erected, structurally altered or moved until the person proposing to erect, alter or move such sign shall have obtained a permit from the Zoning Officer. Such permit shall be issued only when the Zoning Officer is satisfied that such sign will, in every respect, comply with all the applicable provisions of this Ordinance. The fee for granting such a permit shall be as per the schedule of officially approved fees.

B. Any person desiring such a permit shall file an application on a form which shall contain or have attached thereto the following information:

1. The name, address and telephone number of the applicant.
2. A map showing the location of the building, structure or lot to which the sign is to be attached or erected and showing the position of the sign in relation to nearby buildings and thoroughfares; such a map must be to scale.
3. A plan showing the design of the sign, materials used and method of construction and means of attachment to the building or the ground; such plans must be to scale.
4. The name of the person, firm, corporation or association erecting, altering or moving said sign.
5. The written consent of the owner of the land on which the sign is to be erected, altered or relocated.
6. Any electrical or building permit required and issued for said sign under municipal ordinance.
7. Any other information as the Zoning Officer shall require in order to show full compliance with this Ordinance and all other applicable laws of (municipality).

**Section 2612. Permits for Temporary Signs**

A. All temporary signs as they are defined in this Ordinance, except those signs enumerated in Section 2603 Must have a permit.

B. Application for a permit for a temporary sign shall be made on a form provided by the Zoning Officer. A permit for temporary signs must be kept on the premises where signs are displayed and must be shown to the Zoning Officer at request.
C. The size, content and location of a temporary sign may be varied at any time so long as the variations remain within the overall restrictions of this Ordinance.

D. Permits for temporary signs are valid for sixty (60) days but may be renewed for one (1) additional period for thirty (30) days.

Section 2613. Nonconforming Signs

A. Signs legally existing at the time of enactment of this Article and which do not conform to the requirements of this Ordinance shall be considered nonconforming signs. A nonconforming sign shall not be expanded or extended in any manner that would make it more nonconforming.

B. An existing lawful nonconforming sign may be replaced with a new sign, provided that the new sign is not more nonconforming in any manner than the previous sign.
ARTICLE 27
OFF-STREET PARKING AND LOADING REGULATIONS

Section 2700. General Parking Regulations

A. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. The term “parking space” includes either covered garage space or uncovered parking space located off the public right-of-way. Residential off-street parking space shall consist of a parking lot, driveway, garage or combination thereof and shall be located on the lot it is intended to serve.

B. Outdoor parking spaces shall not be deemed to be part of the open space of the lot on which it is located, unless designated as overflow parking in accordance with this Article.

C. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outside walls.

1. In the case of single-family residential uses, the garage may be separated from the principal building. The garage shall conform to all accessory building requirements.

2. In the case of multi-family and nonresidential uses, free standing parking garages whether above or below ground are encouraged but must conform to all bulk and area requirements for the district in which it is located.

3. Garages may be constructed under a yard or court provided that the level of such yard or court shall conform to the general level of the other yards or courts on the lot. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located, unless it has surface parking above the garage, in which case it shall not count as open space.

D. No part of any required front yard shall be used for off-street parking requirements in residential districts, except for that part of the front yard that is occupied by a driveway leading to a garage or parking area or as otherwise needed to require a back-up area for end stalls. At the street right-of-way, a driveway providing access to a single car garage or parking area shall be limited to ten (10’) feet in width, and for a double car garage or parking area, the width shall be limited to twenty (20’) feet. Parking on the driveway shall be limited to vehicles registered as a passenger car or a truck having a gross weight rating under 7,500 pounds. All required parking spaces under this Ordinance must be located on the lot area, unless the applicant meets the requirements of Section ___, Joint Parking Facilities.

Section 2701. Off-Street Parking Requirements

A. The following off-street parking requirements shall be minimum standards:

<table>
<thead>
<tr>
<th>Category of Uses</th>
<th>Uses</th>
<th>Minimum Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Residential uses.</td>
<td>A. Continuing Care Retirement Communities</td>
<td>Combination of the following by service area: Personal care or nursing care centers – 1 space for each 4 beds plus 1 space per employee on largest shift. Apartment units: 1.25 spaces per</td>
</tr>
</tbody>
</table>
B. Dwellings other than single-family 2 spaces per dwelling unit plus 1 space per five dwelling units for guest parking.

C. Group home or halfway house. 1 space per two beds, plus one space for each employee on the largest shift.

D. Group quarters 1 space per resident based on maximum occupancy, plus 1 space for guest parking for each four (4) residents based on maximum occupancy.

E. Student housing. 1 space per student

F. Personal care and nursing care centers. 1 space for each 4 beds based on design capacity, plus 1 space for each employee on the largest shift.

G. Rooming and boarding houses. 1 space per bedroom or guest sleeping room, plus 2 spaces for permanent residents.

H. Single family dwellings. 2 spaces per dwelling unit.

<table>
<thead>
<tr>
<th>2. Commercial / Office uses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Banks and financial institutions. 1 space for each 200 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>B. Business, professional, or public service office buildings and retail sales. 1 space per 200 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>C. Carpeting, drapery, floor covering and wall covering sales 1 space per 500 square feet of gross floor area</td>
</tr>
<tr>
<td>D. Convenience stores 1 space for 75 sq. ft. of retail floor area.</td>
</tr>
<tr>
<td>E. Day care centers 1 space for every employee on the largest shift plus 1 space for every six students and off street waiting spaces to accommodate at least six automobiles.</td>
</tr>
<tr>
<td>F. Drive-thru and fast food restaurants 1 space per 2 seats and one space for each 2 employees</td>
</tr>
<tr>
<td>G. Exercise club 1 space per 100 sq. ft. of floor area plus 1 space per employee on largest shift</td>
</tr>
<tr>
<td>H. Food markets and grocery stores 1 space per 150 sq. ft. of gross floor area for public use and 1 space per employee on largest shift.</td>
</tr>
<tr>
<td>I. Funeral homes 1 space for each 4 seats provided for patron use by design capacity plus 1 additional space for each full-time employee and each vehicle maintained on the</td>
</tr>
<tr>
<td>J. Furniture, lumber, carpet, bedding, or floor covering sales</td>
</tr>
<tr>
<td>K. Haircutting / Hairstylist</td>
</tr>
<tr>
<td>L. Hotels, motels, bed and breakfasts, resorts, and special occasion home.</td>
</tr>
<tr>
<td>M. Kennels and veterinarians.</td>
</tr>
<tr>
<td>N. Laundromat</td>
</tr>
<tr>
<td>O. Medical and dental offices, including outpatient clinics.</td>
</tr>
<tr>
<td>P. Offices</td>
</tr>
<tr>
<td>Q. Restaurants, other than drive-thru and fast food</td>
</tr>
<tr>
<td>R. Retail stores or shops(except those otherwise listed)</td>
</tr>
<tr>
<td>S. Vehicle body shop, repair garage and gasoline stations</td>
</tr>
<tr>
<td>T. Vehicle, mobile / manufactured home, or trailer sales lot</td>
</tr>
<tr>
<td>U. Vehicle wash.</td>
</tr>
</tbody>
</table>

3. Recreational uses.

<p>| A. Amusement Arcade | 1 space per 80 sq. ft. of gross floor area |
| B. Bowling alley | 2 spaces for each alley plus 1 space per employee on largest shift |
| C. Billiard room | 2 spaces per table. |
| D. Dance halls, swimming pools, roller rinks, clubs, lodges, and | 1 space for each 100 sq. ft. of gross floor area or of water area |</p>
<table>
<thead>
<tr>
<th>Use Type</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>similar places and other commercial recreation buildings.</td>
<td>in a swimming pool, plus 1 per employee on largest shift.</td>
</tr>
<tr>
<td>E. Golf course</td>
<td>60 spaces per nine holes, plus one space per employee on the largest shift, plus 50 percent of the spaces otherwise required for any accessory uses (e.g., restaurants).</td>
</tr>
<tr>
<td>F. Golf driving range and miniature golf</td>
<td>1 space for each tee or hole.</td>
</tr>
<tr>
<td>G. Outdoor recreational facilities, sports arenas, auditorium, theatres and assembly halls.</td>
<td>1 space for each 3 seats plus 1 space per employee on largest shift</td>
</tr>
<tr>
<td>H. Riding schools or horse stables</td>
<td>1 space per 2 stalls, plus 1 space per 4 seats of spectator seating.</td>
</tr>
<tr>
<td>I. Swimming pool (other than one accessory to a residential development or private residence)</td>
<td>1 space per 4 persons of legal occupancy</td>
</tr>
<tr>
<td>4. Industrial uses.</td>
<td></td>
</tr>
<tr>
<td>A. Manufacturing plants, research or testing laboratories, or wholesale establishments.</td>
<td>1 space for each 1,000 sq. ft. of gross floor area or 1 space for each employees on the largest shift, whichever is greater</td>
</tr>
<tr>
<td>B. Mini or self storage.</td>
<td>1 space per 25 storage units, plus one space per employee, plus 2 spaces for any resident manager.</td>
</tr>
<tr>
<td>C. Transportation terminal</td>
<td>1 space for every 100 sq. ft. of waiting room space, plus 1 space for each employee on the largest shift.</td>
</tr>
<tr>
<td>D. Warehousing</td>
<td>1 space per employee on the largest shift</td>
</tr>
<tr>
<td>5. Institutional uses.</td>
<td></td>
</tr>
<tr>
<td>A. Colleges, universities, or business, technical or fine arts schools</td>
<td>1 space for each full-time employee (regardless of shift) plus 3 spaces for every 4 on-campus students. In addition to the above spaces, spaces shall be provided in accordance with this schedule for outdoor and indoor recreation facilities, cultural facilities, churches and religious institutions and day care centers.</td>
</tr>
<tr>
<td>B. Elementary and middle schools</td>
<td>1 space for 4 seats in an auditorium or 1 space for each 15 student of design capacity, whichever is greater, plus required spaces for uses provided by the facility other than classrooms as regulated by this schedule.</td>
</tr>
<tr>
<td>C. High schools</td>
<td>1 space per 4 students of design capacity, plus one space per teacher and staff member, plus required spaces for uses provided</td>
</tr>
</tbody>
</table>
### 6. Public and Cultural Uses.

<table>
<thead>
<tr>
<th>Category</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. Hospitals</td>
<td>1 space for each 1.5 beds plus 1 space for each employee on the largest shift.</td>
</tr>
<tr>
<td>E. House of Worship</td>
<td>1 space for each 4 seats in a sanctuary or meeting room.</td>
</tr>
<tr>
<td>F. Vocational training and adult education facilities</td>
<td>1 space per 1.5 students enrolled.</td>
</tr>
</tbody>
</table>

### 2702. Location of Parking Spaces

#### A.
Parking spaces for multiple dwelling buildings, commercial, or industrial uses shall be on the same lot and in the same zoning district as the principal building or open area conforming to the following regulations, unless the applicant meets the requirements of Section 2703, Joint Parking Facilities.

#### B.
The required parking spaces, except for colleges and universities, shall be suitable within 600’ feet of the principal building or open space. Such spaces shall be in the same ownership as the principal use to which they are accessory and shall be subject to deed restrictions acceptable to the (governing body), binding the owner and heirs or assigns to maintain the required number of parking spaces throughout the life of the principal use.

### 2703. Joint Parking Facilities

#### A.
Joint parking facilities shall be allowed in the VMC, C-1, C-2, INS, I-1, I-2, zoning districts.

#### B.
Joint parking facilities shall be allowed subject to the following requirements:

1. The nearest point of the parking lot shall be no further distance to the nearest point of the property served as provided below:
   
a. Residential use: One hundred (100) feet.
b. Commercial use: Two hundred (200) feet.

c. Industrial use: Three hundred (300) feet.

2. The required parking shall be not less than the total required separately for each use with the following exceptions:

a. It shall be demonstrated that the uses jointly utilizing the parking facility are utilizing the parking facility at different periods of the day or different days of the week. A reduction may be granted for the total number of parking spaces needed, requiring only the number of spaces needed based on the one use of the facility requiring the most spaces.

b. An agreement for the joint use of a parking facility shall be recorded as a deed restriction, irrevocable license, easement or other recordable document in a form satisfactory to the (municipality) solicitor filed in the (County) Courthouse in the chain of title of the land to be burdened in perpetuity or for a period to extend throughout the life of the use requiring the maintenance of the required number of spaces.

Section 2704. Design Standards

A. The minimum dimensions of parking facilities to be provided shall be as follows:

1. In all districts, except in the case of single-family dwellings, there shall be no less than six (6') feet of open space between the edge of any parking area and the outside wall of any building to allow for access by emergency vehicles.

2. Parking lot dimensions shall be no less than those listed in the following table:

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Parking Bay Width</th>
<th>Length</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>One-Way</td>
</tr>
<tr>
<td>90 degrees</td>
<td>9.5 ft.</td>
<td>18 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>60 degrees</td>
<td>9.5 ft.</td>
<td>21 ft.</td>
<td>18 ft.</td>
</tr>
<tr>
<td>45 degrees</td>
<td>9.5 ft.</td>
<td>20 ft.</td>
<td>14 ft.</td>
</tr>
<tr>
<td>30 degrees</td>
<td>9.5 ft.</td>
<td>18 ft.</td>
<td>12 ft.</td>
</tr>
</tbody>
</table>

3. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.

4. Except for residential uses, parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.

5. Setback for parking areas shall be provided as follows:

a. All parking spaces and access drives shall be at least six feet (6’) from any multiple dwelling, commercial, or industrial building on the lot.

b. All parking spaces shall be behind the building setback line; except where buffer yards are required in which case such parking spaces may not encroach on the buffer yard area.

c. Parking areas and on-site parking lot circulation aisles and driveways shall be physically separated from the public and/or private streets in conformance with the applicable building setback requirements, excluding entrance and exit drives of parking areas.
d. Except for single-family attached, single-family detached, single-family semi-detached and two-family detached, in no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to exit the parking area, with the exception of alleyways.

6. Handicapped car parking spaces shall be provided as follows:

<table>
<thead>
<tr>
<th>Total Parking Spaces</th>
<th>Required Accessible Car Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-25</td>
<td>1</td>
</tr>
<tr>
<td>26-50</td>
<td>2</td>
</tr>
<tr>
<td>51-75</td>
<td>3</td>
</tr>
<tr>
<td>76-100</td>
<td>4</td>
</tr>
<tr>
<td>101-150</td>
<td>5</td>
</tr>
<tr>
<td>151-200</td>
<td>6</td>
</tr>
<tr>
<td>201-300</td>
<td>7</td>
</tr>
<tr>
<td>301-400</td>
<td>8</td>
</tr>
<tr>
<td>401-500</td>
<td>9</td>
</tr>
<tr>
<td>501-1,000</td>
<td>2 % of total</td>
</tr>
<tr>
<td>1,001 and over</td>
<td>20 plus 1 for each 100 over 1,000</td>
</tr>
</tbody>
</table>

Note: In addition to the required accessible car spaces, at least one (1) handicapped-accessible van space must also be provided to serve any building. Accordingly, at least one (1) additional handicapped-accessible van space must be provided to serve any building for each five (5) required handicapped accessible car spaces provided.

a. Handicapped car spaces shall be ten by twenty (10' x 20') feet in size. Handicapped van spaces shall be thirteen by twenty (13' x 20') feet in size. Handicapped van spaces shall be permitted to be ten by twenty (10' x 20') feet in size when the adjacent access aisle provided is (10' x 20') feet in size as well. All handicapped car and van parking spaces shall be marked.

b. Any handicapped car or handicapped van parking spaces shall have an access aisle located adjacent to it. Access aisles shall adjoin an accessible route. Two (2) parking spaces shall be permitted to share a common access aisle. Access aisles shall not overlap with a vehicular way. Parking spaces shall be permitted to have access aisles placed on either side of the car or van parking space. Access aisles shall be at least seven (7') feet in width. Access aisles shall extend the full length of the largest parking space that they serve. Access aisles shall be marked so to discourage parking of vehicles within them. Where access aisles are marked with lines, the width measurements of access aisles and adjacent parking spaces shall be made from the centerline of the markings. Where parking spaces or access aisles are not adjacent to another parking space or access aisle, measurements shall be permitted to include the full width of the line defining the parking space or access aisle.

c. Handicapped accessible car and van parking spaces shall be identified as such by five (5') foot-high free-standing signs placed at the head of the space facing the space. Such signs shall depict the International Symbol of Accessibility, and the designation “handicapped accessible car space” or “handicapped accessible van space.”

d. All handicapped spaces shall be the spaces in a parking lot placed closest to the building served. All handicapped spaces and adjacent access aisles shall have access to nearby wheelchair-accessible concrete ramps where they lead to raised curbs and/ or walkways surrounding the building served.
B. Residential driveway regulations. All single-family and two-family dwelling driveways shall conform to the following:

1. The number of driveways may not exceed two (2) per lot on a street frontage.

2. Driveways may not exceed 24' at the right-of-way line, excluding driveway radii.

3. Driveways must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of four (4%) percent within 50' of the street right-of-way line. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed 50% in slope within 25' of the point the drive intersects the right-of-way.

4. A clear sight triangle in conformance with this Ordinance shall be provided for driveways.

5. Driveways shall be setback three (3') feet from each side lot line.

6. Common use driveways for single-family, semi-detached and single-family attached units shall be permitted with no setback required at the common interior lot line, but shall be required at the exterior side lot line.

C. Multi-Family Residential and Non-Residential Access Drive Requirements.

1. Number per lot. Except as specified elsewhere, the number of access drives intersecting with each street shall not exceed two (2) per lot or street frontage.

2. Setbacks. All access drives shall be set back at least:
   a. 50' from any other access drive or driveway located upon the same lot.
   b. Ten (10') feet from any side and/or rear property lines; however, this setback shall be excluded along the property line when a joint parking lot is shared by adjoining uses.
   c. 50' from any street intersection.

3. Clear-Sight Triangle. Access drives shall be located and constructed so that a clear-sight triangle a minimum of 150’ as measured along the street centerline and along the driveway centerline is maintained. No permanent obstructions and/or plant materials over 30 inches high shall be placed within this area. (See diagram in Article 2).

4. Access Drive Width. Access drives shall provide a twelve (12’) foot-wide cartway for each lane of travel. However, in no case shall any access drive cartway be less than eighteen (18’) feet wide. See table below:

<table>
<thead>
<tr>
<th>No. of Lanes</th>
<th>Direction of Travel</th>
<th>Required Access Drive Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>one-way</td>
<td>12 feet</td>
</tr>
<tr>
<td>2</td>
<td>one or two way</td>
<td>24 feet</td>
</tr>
<tr>
<td>3 or more</td>
<td>one or two way</td>
<td>12 feet/ lane</td>
</tr>
</tbody>
</table>

5. PennDOT Permit. Any access drive intersecting with a State-owned road shall require the obtainment of Pennsylvania Department of Transportation Highway Occupancy Permit as set forth in the Pennsylvania Code, Title 67, Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, as amended.
6. Plans for streets, drives, service access, parking and walkways and all such facilities shall be reviewed and approved. All such facilities shall be designed and installed in the manner prescribed by the (municipality) Subdivision and Land Development Ordinance.

Section 2705. Drainage, Surfacing, and Maintenance Standards

A. Parking lots, including driveways, shall be graded, surfaced with asphalt or concrete and drained to the satisfaction of the (municipality) Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property.

B. Parking areas shall be kept clean and free from rubbish and debris.

Section 2706. Lighting.

A. All public parking shall be lit during evening operating hours.

B. All standards shall be located on raised parking islands and not on the parking surface.

C. Lighting shall be arranged and shielded so the direct rays from the luminaries shall not fall off-site on adjacent properties or into the road right-of-way or cartway.

Section 2707. Loading and Unloading Space.

A. An off-street loading space shall be an area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys.

B. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space.

C. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, sidewalk, alley, designated fire access lane, or adjoining property.

D. Off-street loading and unloading spaces shall not be located so that vehicles entering or leaving the spaces would conflict with parking spaces and require backing maneuvers in areas of customer or public circulation.

E. The following off-street loading and unloading space requirements for specific uses shall be provided as listed below:

**TABLE 27-2**

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Number of Spaces Per</th>
<th>Gross Floor Area / Dwelling Unit</th>
</tr>
</thead>
</table>
| Hospital or other Institution | None  
  1.0  
  +1.0 | First 10,000 square feet  
  10,000 to 100,000 square feet  
  Each additional 100,000 square feet (or fraction) |
| Hotel, motel, and similar lodging facilities | None  
  1.0  
  +1.0 | First 10,000 square feet  
  10,000 to 100,000 square feet  
  Each additional 100,000 square feet (or fraction) |
| Industry or manufacturing | None  
  1.0  
  +1.0 | First 2,000 square feet  
  2,000 to 25,000 square feet  
  Each additional 40,000 square feet (or fraction) |
| Multi-family dwelling     | None  
  +1.0 | Less than 100 dwelling units                                     |
### Off Street Parking & Loading Regulations

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Off Street Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office building, including banks</strong></td>
<td>None&lt;br&gt;1.0&lt;br&gt;+1.0&lt;br&gt;First 10,000 square feet&lt;br&gt;10,000 to 100,000 square feet&lt;br&gt;Each additional 100,000 square feet (or fraction)</td>
</tr>
<tr>
<td><strong>Retail sales and services, per store, and restaurants</strong></td>
<td>None&lt;br&gt;1.0&lt;br&gt;+1.0&lt;br&gt;First 2,000 square feet&lt;br&gt;2,000 to 10,000 square feet&lt;br&gt;10,000 to 40,000 square feet&lt;br&gt;Each additional 40,000 square feet (or fraction)</td>
</tr>
<tr>
<td><strong>Theater, auditorium, bowling alley, or other recreational establishment</strong></td>
<td>None&lt;br&gt;1.0&lt;br&gt;+1.0&lt;br&gt;First 10,000 square feet&lt;br&gt;10,000 to 100,000 square feet&lt;br&gt;Each additional 100,000 square feet (or fraction)</td>
</tr>
<tr>
<td><strong>Undertaking establishment of funeral parlor</strong></td>
<td>None&lt;br&gt;1.0&lt;br&gt;+1.0&lt;br&gt;First 3,000 square feet&lt;br&gt;3,000 to 5,000 square feet&lt;br&gt;Each additional 10,000 square feet (or fraction)</td>
</tr>
<tr>
<td><strong>Wholesale or warehousing (except mini-warehousing)</strong></td>
<td>None&lt;br&gt;1.0&lt;br&gt;+1.0&lt;br&gt;First 1,500 square feet&lt;br&gt;1,500 to 10,000 square feet&lt;br&gt;Each additional 40,000 square feet (or fraction)</td>
</tr>
</tbody>
</table>

3. When determination of the number of required off-street loading/unloading spaces results in a requirement of a fractional space, any fraction up to and including one-half (½) may be disregarded, and fractions over one-half (½) shall be interpreted as one (1) off-street loading/unloading space. Any fractured spaces shall be rounded up.

F. The off-street loading/unloading space shall be not less than ten (10') feet wide, and 35' in length, and fourteen (14') feet in height, when covered. For warehouse buildings or buildings accommodating tractor-trailers, the minimum off-street loading/unloading space size shall be increased to twelve (12') feet wide and 70' long.

G. No off-street loading/unloading spaces shall be within any building setback and/or buffer area.

H. When the off-street loading/unloading space abuts a residential use or zone, a five (5') foot buffer area shall be provided contiguous to the property line of the residential use or zone in addition to the required setback.

I. Surfacing. All open off-street loading/unloading spaces shall be improved with a compacted base, surfaced with bituminous concrete or cement concrete pavement of adequate thickness to support the weight of a fully loaded vehicle.

#### Section 2708. Fire Lanes

A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by the (municipality) Fire Officials.