

TRI-COUNTY

**T C R P C**



**R E G I O N A L  
P L A N N I N G C O M M I S S I O N**

# **MODEL ZONING ORDINANCE**

Revised September 27, 2022

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## INTRODUCTION

The objective of this Model Zoning Ordinance is to provide uniform guidance and standards for zoning ordinances throughout the Tri-County Region. TCRPC has developed this ordinance using a modular approach so that the provisions can more easily be incorporated into an existing ordinance or used in its entirety. The entire model ordinance is included in an Adobe format on our website for informational use, but interested municipalities can contact their Local Planning Assistance (LPA) representative to obtain any portion of the model ordinance in an editable version as needed for the adoption process. It is our hope that 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, TCRPC 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 region. The districts suggested generally fall in the categories of Agricultural, Conservation, Residential, Commercial, Industrial, and Institutional. Optional overlay districts for Floodplain, Riparian Buffer, Historic District, Steep Slope and others are also included.

It is understood that local officials will likely need to customize the model zoning ordinance to fit their local community needs. Public officials should always seek the advice of their solicitor whenever modifying the contents of their existing ordinance or adopting a new one. Similarly, local officials are strongly encouraged to work with their TCRPC LPA representative when considering the use of this model ordinance. Lastly, 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.

Consideration must be given to the suitability of land for development when applying the provisions in the model ordinance to physical areas in the municipality (adopting the zoning map). Features such as slopes, floodplains, wetlands, soil conditions, infrastructure, etc. should be given close consideration as zoning district boundaries are being drawn.

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 with a need for assistance may contact the TCRPC office. The Commission's staff is available to provide such assistance.

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

*Authority*

- A. This Ordinance is enacted and ordained under the grant of powers contained in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.O. 805, No. 247, as reenacted and amended (PA MPC).

***Title***

- A. This Ordinance shall be known as and may be cited as “The Zoning Ordinance of (Municipality name)”.

***Purpose***

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 (Municipality name) 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 (Municipality name) and as such seek to implement the (Municipality name) Comprehensive Plan.

***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 name).

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 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.

***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.
  - 4. Creation of a new use.
- 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 *(Municipality name)* have notice of the hearing and are granted as opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

***Municipal 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 name)*, 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.

***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 (1<sup>st</sup> 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 “Non-coal 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.

**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.

**Repealer.** *(Optional use when the municipality has an ordinance it wishes to replace)*

- A. *The pre-existing (**Municipality name**) 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.]*

[Note: If the Repealer section is included in the article, it should be mentioned in the article title and any footnote mention. The word has been added in red font in both locations. If it is not considered for Inclusion, the section text and associated references should be removed.]

**Effective Date**

- A. This ordinance shall take effect upon its enactment by the (**Governing body**).

**ADMINISTRATION AND ENFORCEMENT**

**Applicability of this Ordinance**

- A. This Zoning Ordinance shall apply throughout (**Municipality name**). Any activity regulated by this Ordinance shall only occur in such a way that conforms to the regulations of this Ordinance.

**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/her 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.

***Permits***

- 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 the Article regulating signs in 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 name*) 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 name*) 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 name*) 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 name*) 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 name*) 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 name*).
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 name*) to perform such inspections as required.

**B. Zoning Permit for Temporary Uses and Structures**

1. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
  - a. 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;
  - b. Temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway;
  - c. Such other activities that the applicant proves are routine, customary and temporary.
2. 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.

***Certificates***

- 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 name*) 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 six (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.

### *Types of Uses*

- A. Permitted By Right Uses. The Zoning Officer shall issue 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.

### *Applications for Zoning Permits*

- A. Submittal. All applications for a Zoning Permit shall be made in writing on a form provided by *(Municipality name)*. Such completed application, with required fees, shall be submitted to a designated *(Municipality name)* 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.
  2. All other applicable information listed on the official (*Municipality name*) 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 name*) 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 name*) Floodplain Ordinance, the following information is specifically required to accompany all applications, as prepared by a licensed professional:
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 flood proofing 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 storm water flow (and any proposed revisions) and any proposed methods of storm water 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.

***Issuance of Permits***

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

***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, Act of July 31, 1968, P.O. 805, No. 247, as reenacted and amended (PA MPC). Such appeal shall occur within the time period established by the PA MPC.

***Compliance with (Municipality Name) Subdivision and Land Development Ordinance***

- A. If an application under this Ordinance would also be regulated by the (*Municipality name*) Subdivision and Land Development Ordinance (“S&LDO”), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the S&LDO.
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.

***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 name*) 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 thirty (30) day appeal period shall be at the risk of the applicant.

***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 name*) 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.
3. Use meets the standards under the General Regulations Article.
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 name*) 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.

***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.

***Enforcement, Violations and Penalties***

All of the enforcement, violations and penalty provisions of the PA MPC, 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 name)* that a violation of this Zoning Ordinance has occurred, *(Municipality name)* 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 and Fees. In any appeal of an enforcement notice to the Zoning Hearing Board, *(Municipality name)* 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 name)* 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 name)* Solicitor or other officer of *(Municipality name)* 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 name)*, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including the reasonable attorney’s fees incurred by *(Municipality name)* 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 name)* 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 name)*. Imprisonment shall not be authorized by this Ordinance.

***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)*.

***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 name)* Planning Commission, the *(Governing body name)* or by a petition to the *(Governing body name)* 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 name)* 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 name)* 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 name)*. 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;
  - c. 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 name)* 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 name)*. 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.
  - d. 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,
  - e. 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 name)* 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 name)* 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 name)* Planning Commission Referrals. For amendments proposed by parties other than the *(Municipality name)* Planning Commission, the *(Governing body)* shall submit each amendment at least thirty (30) days prior to public hearing to the *(Municipality name)* Planning Commission for review and comment. The *(Municipality name)* 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 name)* 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 name)*. The *(Governing body)* cannot act upon the amendment until it has received a recommendation from the *(Municipality name)* Planning Commission; however, should the *(Municipality name)* Planning Commission fail to submit its recommendation within forty-five (45) days, the *(Governing body name)* 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 name)* Planning Commission. When an amendment, supplement, change or repeal is initiated by the *(Municipality name)* 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 name)* 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 this Section.
  - 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 MPC, 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 the Amendments Subsection of this Article 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;
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 46<sup>th</sup> 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 MPC 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 MPC 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 un-amended 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 name)* Secretary and shall thereafter be refilled as part of the permanent records of *(Municipality name)*.

***Zoning Hearing Board***

- A. Establishment and Membership.
  1. 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 name)*. 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 name)* of any vacancies which occur. Appointments to fill vacancies shall hold no other office in *(Municipality name)*. 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.
  2. 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 name)*, 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.

1. 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. 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 name)* 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 name)*, and shall submit a report of its activities to the *(Governing body)* upon request.

C. Expenditures for Services

1. 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 the Zoning Hearing Board Subsection of this Article, 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 name)* 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;
  - c. 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 name)*, 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 name)*, 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 council 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 this Subsection (*Hearings*) 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 this Subsection (*Hearings*) 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.

1. The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:
2. 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 this Subsection (*Hearings*) of the 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 46<sup>th</sup> day after the close of the last hearing;
3. 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;
  4. 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 name*) Floodplain Ordinance;
  - (6) The proposed use shall comply with those criteria specifically listed in Specific Criteria for Special Exceptions, Conditional Uses, and Uses Permitted by Right. 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 name*) 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 this ordinance 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;
5. 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 name*) 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;
    - (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;
  - 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;
6. 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;

7. 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;
8. Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the PA MPC; and,
9. 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 MPC.

F. Parties Appellant before the Zoning Hearing Board.

1. Appeals under (Variances) and proceedings to challenge this Ordinance under Zoning Hearing Board Function 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:
  2. The name and address of the appellant and applicant;
  3. The name and address of the landowner of the real estate to be affected;
  4. 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;
  5. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and,
  6. 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.

1. 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.
2. 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 MPC, 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.

1. Any person, taxpayer, or (*Municipality name*) 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 MPC.

***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 affect 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 name*) Floodplain Ordinance;
  7. The proposed use shall comply with those criteria specifically listed in *General Regulations* of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance; and;
  8. The proposed use will not substantially impair the integrity of the (*Municipality name*) 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 obtainment 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 name*) Planning Commission at least thirty (30) days prior to the hearing held upon an application to provide the (*Municipality name*) 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 name)*, 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;
  10. 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;
  11. 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;
  12. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
  13. 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,
  14. 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,

15. 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 name)* 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.
16. 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 way 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, 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 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 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 alternation 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.



**DEFINITIONS**

*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/STRUCTURE:** A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

**ACCESSORY CHILDCARE:** 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 DWELLING UNIT:** An independent, self-sufficient living space located on the same property as an original larger dwelling unit. ADU’s must include a complete kitchen, bathroom facility and some form of living space.

**ACCESSORY FARM OCCUPATION:** an occupation secondary to the main agricultural use, conducted on a farm lot for profit by one person residing in the farm dwelling. Occupations may include welding, machinery repairs, vehicle repair garage, farm markets, business offices.

**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)

**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 (NORMAL):** The customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after in the production AND preparation for market or poultry, livestock and their products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities that is (1) not less than 10 contiguous acres in area; OR (2) less than ten contiguous acres in area but has anticipated a yearly gross of at least \$10,000 and meets other requirements/regulations as defined by the Pennsylvania Right-to-Farm law.

**AGRITOURISM/AGRITAINMENT ACTIVITY:** A farm-related tourism or farm-related entertainment activity that takes place on agricultural land and allows members of the general public, whether or not for a fee, to tour, explore, observe, learn about, participate in or be entertained by an aspect of agricultural production, harvesting, husbandry or rural lifestyle that occurs on the farm.

**AGRITOURISM ACTIVITY PROVIDER:** A person who owns, operates, provides or sponsors an agritourism activity, whether or not for a fee, or an employee of such a person.

**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 & here 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 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 KENNEL:** A structure where commonly accepted domestic animals are kept commercially by someone other than the owner. This may include, but is not necessarily limited to kennels as regulated through the PA Department of Agriculture (PA DOA).

**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.

**AQUACULTURE/ FISHERIES:** The breeding, rearing and harvesting of fish, shellfish, algae and other organisms in all types of water environments.

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

**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 within 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/ PERSONAL CARE HOME:** 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, 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.

**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 AUCTION:** A method of selling new, or most often, used vehicles based on an auction system.

**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/ BODY SHOP:** 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.

**BARRACKS:** A building or group of buildings used to house a specific group of people, such as laborers.

**BASAL AREA:** The area in square feet per acre occupied by tree stems at 4.5 feet above the ground, normally measured by a calibrated prism or angle gauge.

**BASE FLOOD ELEVATION:** The elevation above sea level, based on the vertical datum in the current flood Insurance Rate Maps for (*Municipality name*) 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.

**BEEKEEPING:** The occupation of owning and breeding of bees for their honey.

**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 HOME:** A residential providing food and lodging for paying guests where lodgers rent one or more rooms on a nightly-basis, and sometimes for extended periods of weeks, months and years.

**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.

**BREWERIES:** An establishment where beer is made commercially.

**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.

**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 SUPPLY STORE/ BUILDING MATERIALS:** A building or structure in which construction and home improvement products, tools, equipment and materials are stored and offered for sale.

**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.

**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; upholstery 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 PA Department of Health (PA DOH) 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.

**CASINO/ MINI-CASINO:** A building or room in which legal gambling is conducted. The Pennsylvania Gaming Control Board is charged with regulating casinos and other types of gaming.

**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. The child-care center, as applicable, 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

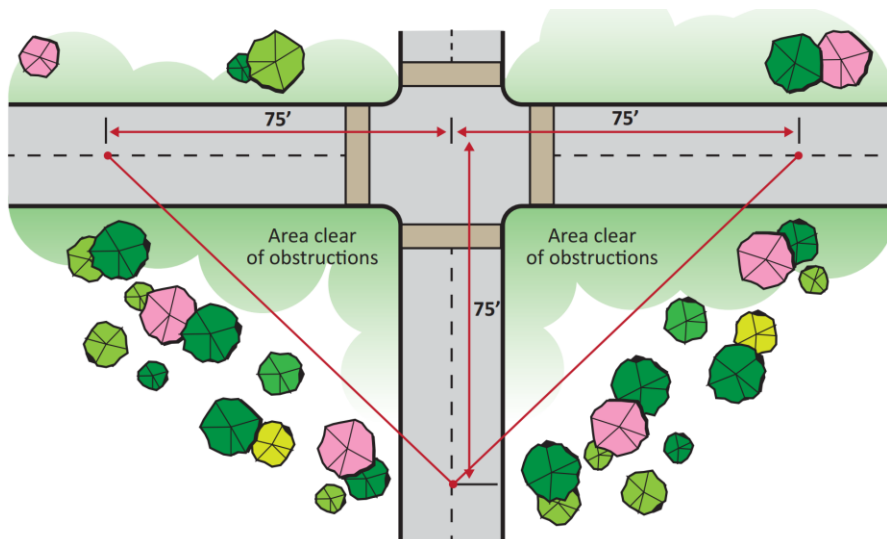
**CHILDCARE FACILITY/ CHILDRENS HOME:** A facility primarily designated for the care and oversight of children who were separated from their biological families.

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

**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 DEVELOPMENT:** A development designed to concentrate dwelling units in specific areas on site to allow the remaining land to be used for recreation, common open space and the preservation of environmentally sensitive areas.

**COLLEGE OR UNIVERSITY:** See “School, College”.

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

**COMMERCIAL RECREATION OR ENTERTAINMENT FACILITIES:** A building or lot used solely for recreation or entertainment purposes for profit or gain. This includes uses such as dance halls, theaters, cinemas, billiards or pool halls, bowling alleys, miniature golf courses, bingo halls, campgrounds and amusement parks.

**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 Public Utilities Commission (PA PUC).

**COMMUNICATIONS FACILITIES (PUBLICLY REGULATED):** Including telephone or telegraph exchanges, communications antenna, which are regulated by the PA 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 (PA DEP).

**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 PA DEP, the PA PUC or the (*Municipal name*), 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 reenacted and amended (PA MPC) 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.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO):** A CAFO is an animal feeding operation (AFO) with more than 1000 animal units (an animal unit is defined as an animal equivalent of 1000 pounds live weight and equates to 1000 head of beef cattle, 700 dairy cows, 2500 swine weighing more than 55 lbs., 125 thousand broiler chickens, or 82 thousand laying hens or pullets) confined on site for more than 45 days during the year. Any size AFO that discharges manure or wastewater into a natural or man-made ditch, stream or other waterway is defined as a CAFO, regardless of size.

**CONCENTRATED ANIMAL OPERATION (CAO):** Agricultural operations with eight or more animal equivalent units where the animal density exceeds two AEUs per acre on an annualized basis.

**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 coterminous. 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.”

**CREMATORIUM:** The place where a dead person’s body is cremated.

**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 (PA DEP).

**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.

**DISTILLERIES:** An establishment where liquor is manufactured.

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

**DISTRICT:** A part, zone, or geographic area within the (*Municipality name*) 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.

**DOMESTICATED KEEPING OF FARM ANIMALS:** The husbandry of domestic livestock and their products for home use including breeding, feeding, raising, caring and housing. Any sales are minor or incidental. Domestic livestock means horses, cattle, swine, sheep, goats, rabbits, poultry, fowl, and furbearing of animals excluding household pets.

**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.

**DRIVEWAY:** A private access for vehicles to park in a parking space, garage, dwelling or other structure.

**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.

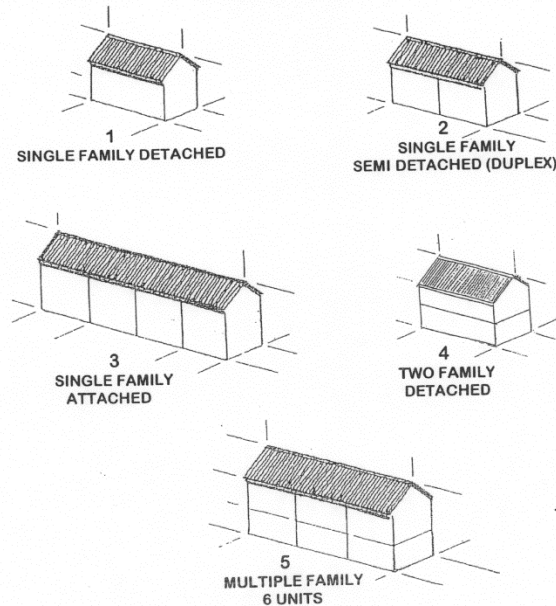
**DWELLING, SINGLE FAMILY ATTACHED:** A building used by one family and having two (2) party walls in common with other buildings (such as row house or town house), except that end units have only one party wall.

**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)

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**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.

**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.

**EMERGENCY SHELTER/ CRISIS CENTER:** These are normally short term placement facilities, and usually have placement of 30 days or less. Providing a temporary immediate placement until a more permanent placement can be found. May have 24 hour awake staff and employ shift workers.

**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 name*) 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.

**FARMERS MARKET:** A food market at which local farmers sell fruit, vegetables, meat, cheese, and bakery products directly to consumers.

**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.

**FITNESS CENTER:** A place that houses exercise equipment for the purpose of physical exercise.

**FLAG LOT RESIDENCE:** A land parcel that lies at the end of a long driveway. A flag lot may lie behind residences, buildings, or open land, and it is usually not visible from the road.

**FLEA MARKET:** A type of market that provides space for vendors to sell previously owned merchandise. This type of market is often seasonal.

**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) as determined by the Federal Emergency Management Agency (FEMA).

**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 as determined by FEMA.

**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) as determined by FEMA.

**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) as determined by FEMA.



**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 or 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 “flood proofing” 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 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.

**FUNERAL HOME:** A business that arranges services in accordance with the wishes of surviving friends and family members and the dead is prepared for burial or cremation.

**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 (PA DPW).

**GROUP HOME:** A dwelling inhabited by handicapped persons, as identified and provided for by the Fair Housing Act and this chapter. It can be used as a children's home, crisis center, treatment center. 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.

**HARDWARE STORE:** A retail establishment typically selling hardware, lumber and other related building materials, plant and other landscaping materials, paint, wallpaper, glass, fixtures and similar items. Hardware stores are open to the general public and are less than 10,000 square feet. Stores with similar inventories, but larger than 10,000 square feet are classified as Home Improvement or Building Supply Centers.

**HALFWAY HOUSE/YOUTH RANCH / TREATMENT CENTER:** These are long term facilities with the average placement of 1 to 2 years. They in almost all cases deal with behavior modification whether it be delinquency. Substance abuse. Sexual acting out, etc. The methods and programs vary greatly to include: boot camps, wilderness, intense counseling, etc. Most have 24 hour awake staff and are self-contained within campus: school, counseling, chapel, and recreation. Some incorporate basic care facilities as part of their campus. Most are funded by the state on a per child basis, but some are privately funded through donation.

**HAZARDOUS MATERIAL:** Materials which are classified by the U.S. Environmental Protection Agency (EPA), the PA DEP, or (*Municipality name*) 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 PA DEP or the (*Municipality name*) 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 underground 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 of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

**HOME IMPROVEMENT CENTER:** A retail establishment typically selling hardware, lumber and other related building materials, plant and other landscaping materials, paint, wallpaper, glass, fixtures and similar items. Home improvement or building supply centers are open to the general public and are greater than 10,000 square feet. Stores with similar inventories, but smaller than 10,000 square feet are classified as Hardware Stores.

**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.

**HOUSING FOR FARM EMPLOYEES:** The use of a building or portion designed and used exclusively for the housing of farm workers who currently farm on the land on which the house is situated. The dwelling may also be used to house the immediate family members of the respective farm worker.

**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.

**IMPERVIOUS 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 FACILITY:** 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 addiction.

**INTERMITTENT STREAM:** A stream whose water flow normally occurs in the wetter parts of the year (October through April) or following major stream events.

**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:

- (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.

**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, condominiums, 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)

**LANDING:** A place where logs are assembled for transportation in loads. **5.06 Litter:** Discarded items not naturally occurring on the site (i.e., tires, oil cans, etc.).

**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.

**LOGGING PLAN:** A written description with a map of a specific logging operation prepared before the operation commences.

**LONG-TERM CARE NURSING FACILITY:** A facility defined and licensed by the Commonwealth of PA DOH 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. Corner lots shall contain a minimum of two side lots and front yards where it abuts a street or right-of-way.
- (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. Through lots shall have front yard setbacks for areas adjacent to the street and others shall be side yards.
- (8) **Lot, Multiple Frontage, (Through):** A lot that abuts three or more streets. Multiple frontage lots shall have front yard setbacks along all streets with the remaining yards being side yards.

**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 mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**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.

**LUMBER YARD:** A place that sells lumber and other building materials.

**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.

**MANUFACTURING AND/OR ASSEMBLY:** An establishment engaged in the transformation of materials into new products including the assembly component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

**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.

**MANURE STORAGE FACILITY:** Any pad, pit, pond, lagoon, tank, building, or manure containment area used to store or treat manure including any portions of buildings used specifically for manure storage or treatment.

**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 nonsexual-oriented massage to patrons by employees.

**MICROBREWERY:** A limited production brewery, typically producing specialty beers and often selling its products only locally.

**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 sine 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.

**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 HOME:** A facility for the residential care of elderly or disabled people. Nursing homes may also be referred to as skilled nursing facility, long-term care facilities, seniors' homes, care homes, rest homes, convalescent homes or convalescent care.

**NURSING/SKILLED CARE FACILITY:** 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.

**ON-STREET PARKING SPACE:** A temporary Storage area for a motor vehicle that is located on a dedicated street right-of-way.

**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 CAFÉ:** An open space seating area on a public sidewalk, parking area, or green space provided by a restaurant located on the property, where restaurant patrons can eat or drink.

**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.

**PARKING STRUCTURE:** A building or structure consisting of more than one level and used to store motor vehicles.

**PARTY WALL:** A common shared wall between two separate structures, buildings, or dwelling units.

**PAWN SHOP:** A business which loans money to people who bring in valuable items which they leave with the pawnbroker. Examples of items that a person may leave are jewelry, gold, watches, cameras, musical instruments, televisions or computers.

**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 FACILITY:** A facility defined and licensed by the Commonwealth of PA DPW 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 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.

**POST OFFICE (MAILING SUPPLIES/ SERVICES):** An office of a government or commercial postal system at which mail and/or packages are received, sorted and redistributed.

**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.

**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 PA MPC.

**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 PA PUC, 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.

**RACETRACK:** A track for auto or horse racing.

**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-surfaced 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 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.”

**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.

**RESIDENTIAL OFF-STREET PARKING:** Consist of a parking lot, driveway, garage, or combination thereof and shall be located on the lot it is intended to serve.

**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 SCHOOL/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”.

**ROADSIDE STAND:** A prospective use, intended for limited duration, for the display and retail sale of agricultural products grown and produced by the seller. Direct commercial sales of agricultural commodities upon properly owned and operated by a landowner who produced not less than 50% if the commodities sold shall be authorized, notwithstanding municipal ordinance, public nuisance or zoning prohibitions. Such direct sales shall be authorized without regard to the 50% limitation under circumstances of crop failure due to reasons beyond the control of the landowner.

**RURAL RESIDENTIAL DEVELOPMENT – 10%** of a conforming lot in the Agricultural District may be used for residential development at a density up to 8 dwelling units per acre as long as all applicable environmental regulations (water supply and wastewater management) can be met.

**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 orbital 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.”

**SAWMILL:** A facility where logs are cut into lumber.

**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 instruction of business, art, music, trades, handicraft, dancing or riding, etc.

**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.

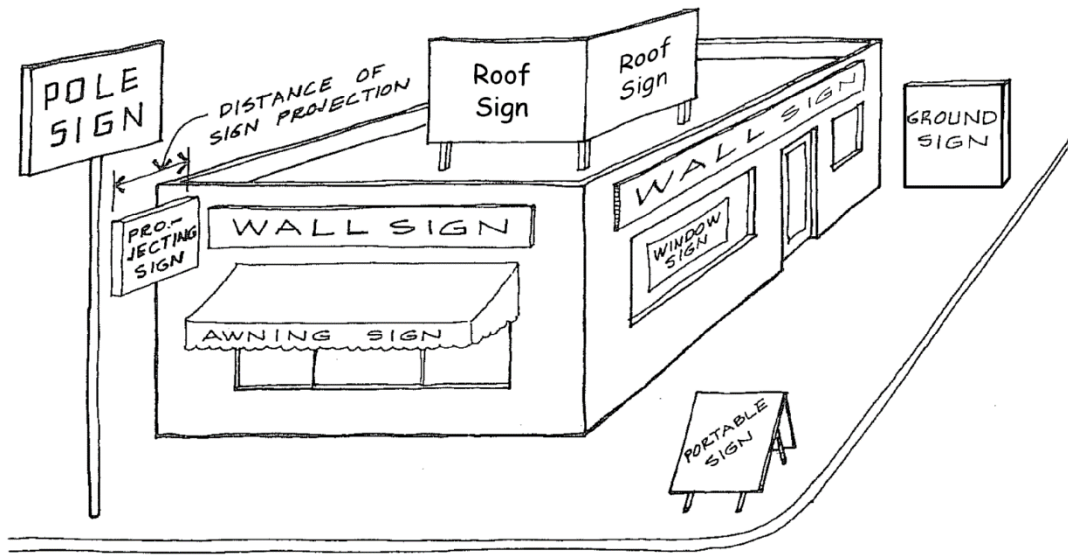
**SIDEWALK AREA:** That portion of the right-of-way that lies between the right-of-way line and curb line, regardless of whether the sidewalk exists.

**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.

**SHORT-TERM RENTALS:** Any dwelling unit utilized as a single family residence rented for the purpose of overnight lodging for a period of thirty days or less.

**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 TYPES

**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 FACILITY:** A facility typically for short-term acute care. Skilled nursing facilities are typically rehabilitative facilities designed to offer 24 hour care for licensed medical professionals including doctors, RNs, and specialized occupational, physical and speech therapists. In a skilled nursing setting, a physician oversees the care of patients.



People may need skilled care for short period while recovering from an illness or surgery, or they may need this level of care for long term. Here is a list of examples of skilled care

- Wound and post-surgical care
- Injected medications
- IV therapy
- Physical, occupation and speech therapy
- Regular monitoring of heart rate, blood pressure or blood sugar

Skilled nursing facilities typically serve as a transition between a hospital and a more permanent residence, whether that’s private independent living or assisted living. Because it’s intended as temporary rehabilitative care, skilled nursing is typically at least partially covered by medical insurance, including Medicare and Medicaid. Your specific plan coverage will likely vary.

**SLAUGHTERHOUSE:** An establishment where animals are butchered for food.

**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 seepage or sludge application.

**SOLAR ENERGY FACILITIES:** A device or design feature or features, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water cooling.

**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 PA MPC. 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.

**STATE WINE AND SPIRIT STORES:** Retail establishment for alcoholic beverages owned and operated by the Commonwealth of Pennsylvania.

**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:

$$S = \frac{0.0023 I \times L}{A}$$

S = Average percent slope of site

I = Contour interval in feet

L = Sum of the length of contours in feet

A = Land area in areas of parcel being considered

**STOCKYARD:** A large enclosure with pens, sheds, etc. where cattle, hogs, sheep, or horses are kept temporarily before being slaughtered, treated, sold or shipped elsewhere.

**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 devisees, 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.

**TANNERY:** An establishment where hides are tanned.

**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 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.

**TINY HOME:** A dwelling unit placed on a property for occupancy as a residential accessory dwelling unit with a habitable area of not less than 150 square feet and not more than 400 square feet, whether it is constructed with a foundation or on wheels. A tiny home shall be exempt from the minimum habitable floor area requirements of this Ordinance, and tiny homes shall comply with all applicable mobile home requirements. Tiny homes are allowed as permitted use in all residential districts where residential accessory uses and structures are allowed.

**TINY HOME VILLAGE:** A parcel of land under single ownership, which has been planned and improved for the placement of two or more Tiny Homes for transient or permanent use.

**TOWNHOUSE:** A single family house of two or sometimes three stories that is usually to a similar house by a common sidewall.

**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 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.

**TRUCK STOP/ TERMINAL:** A facility designed for truckers typically located along a highway and commonly includes a diner, fuel pumps and a service garage.

**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 BODY SHOP AND/OR 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 AND/OR DISTRIBUTION CENTER:** 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.

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

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

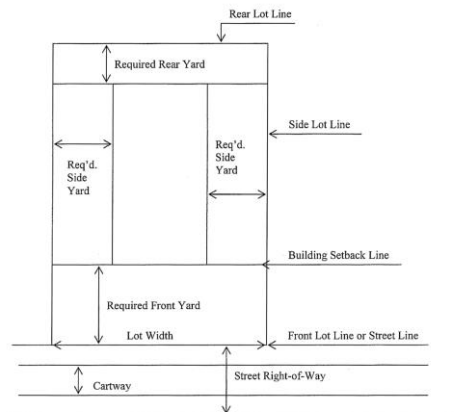
**WATER FACILITY:** Any waterworks, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

**WELDING SHOP:** An industrial establishment specializing in the fabrication of metals by means of heating and fusion.

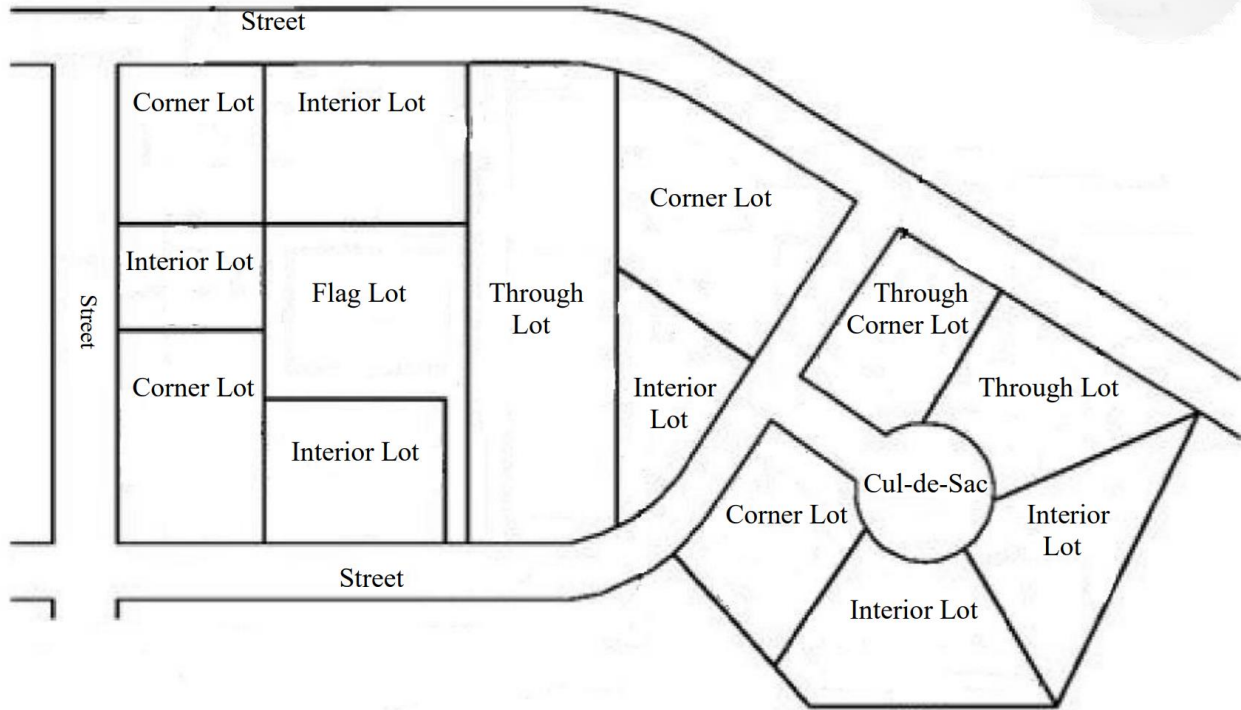
**WETLANDS:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**WIND ENERGY FACILITY:** 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 .

**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.







**YARD, BUFFER:** See Buffer Yard.

**YARD, CORNER LOT:** On a corner lot, both yards abutting the Street shall have a width equal to the depth of the front yard required for the district and shall be subject to all front yard requirements of this Chapter. Opposing yards shall meet side yard requirements.

**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.

**DESIGNATION OF ZONING DISTRICTS, ADOPTION OF ZONING MAP AND OVERLAYS**

***Designation of Districts***

- A. For the purpose of this Ordinance, (*Borough or Township*) of (*Municipality name*) of (*County name*), Pennsylvania is hereby divided into zoning districts which shall be designated in the following table.

**Table 4-1  
Zoning District Names and Abbreviations\***

District Name	District Abbreviations
Agriculture	A
Conservation-Forest	CF
Residential	LDR, MDR, HDR, VMU
Commercial	NC, HC
Industrial	LI, HI
Institutional	I

\*This table should be customized to match Districts specific to the municipality

***Zoning Map***

- A. 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 name*) 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.

***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 undivided 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.

***Overlays (Optional Plug-Ins)***

- A. *Define the purpose of the Overlay area. (See Overlay plug-ins)*
- B. *Identify the areas that make up the Overlay area. (See Overlay plug-ins)*
- C. *Develop the rules that apply to the Overlay area. (See Overlay plug-ins)]*

*[Note: If the Overlay section is included in the article, it should be mentioned in the article title and any footnote mention. The word has been added in red font in both locations. If it is not considered for Inclusion, the section text and associated references should be removed. Overlay plug-ins to consider include:*

- *Floodplain*
- *Historic District*
- *Pipeline Safety*
- *Planned Residential Development*
- *Riparian Buffer*
- *Steep Slope Protection*
- *Transfer of Development Rights*

***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.

***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 the Nonconforming Lots, Uses and Buildings Article of this Ordinance.

## AGRICULTURAL DISTRICT

### Purpose

- A. The purpose of the Agriculture 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 as the Agricultural District are to be used primarily for agriculture purposes and limited residential, non-residential and accessory uses in general conformance with the current (*Municipality name*) Comprehensive Plan.

### Dimensional Requirements and Uses

	<b>Agricultural</b>
<b>Dimensional Requirements</b>	
Lot Size <sup>1</sup>	10 acres*
Front Setback	100' – res. use 50' – ag. use
Side Setback	25
Rear Setback	100' – res. use 50' – ag. use
Max. Building Height	35'
Impervious Cover	20%
<b>Uses</b>	
<b>A. AGRICULTURAL USES</b>	
Agricultural operation	P
Agritainment venues / Event Center/ Agritourism	P
Aquaculture and Fisheries/ Hydroponics	P
Concentrated Animal Feeding Operation	P
Concentrated Animal Operation	P
Farmers Market/ Flea Market	P
Horticulture	P
Plant Nurseries and Greenhouses	P
Retail Sale of Agricultural, Nursery and Garden Material	P
Riding Schools/ Stables	SE/C
<b>B. OTHER USES*</b>	
Animal hospital, Animal Kennel, Veterinary office, Grooming or Day Care	SE/C
Barracks/Dormitories	SE/C
Bed and Breakfast Inns and Homes	SE/C
Boarding Home	SE/C
Campground	SE/C
Cemetery	P
Commercial Day Care Facility	SE/C
Communication Antennas, Towers and Equipment Transmitting and Receiving facilities	SE/C
Contractors Office or Shop	P
ECHO Housing	SE/C
Emergency Medical Treatment Center	P

Family and Group Care Facility	P
Forestry	P
Golf Course	SE/C
Government Owned Uses	P
Historic Structure Conversion	SE/C
Hospital	P
Housing for Farm Employees	P
House of Worship and Related Uses	SE/C
Hunting, Fishing, Boating, and Ski Lodges	SE/C
Municipal owned Uses	P
Natural Areas or Wildlife Refuges	P
Nursing/Skilled Care Facility	SE/C
Outdoor Recreation	SE/C
Private Club	SE/C
Public Utility Buildings and Structures	SE/C
Quarry	SE/C
Rural Residential Development	P
Sawmill	SE/C
School, All Types (Public or Private, Primary or Secondary, Vocational)	SE/C
Shotgun, Rifle, Pistol, and Archery Ranges: Outdoor	SE/C
Solar Facilities (2)	SE/C
Special Occasion Home	SE/C
Wind Energy Facilities (2)	SE/C
<b>C. ACCESSORY USES</b>	
Accessory Dwelling Units	SE/C
Accessory Farm Operations	P
Beekeeping	P
Carpentry	P
Child Care, In Home	P
Child Care for Permitted Use	P
Domesticated Keeping of Farm Animals	P
Home Occupation	SE/C
Manure Storage Facilities	P
No Impact Home Based Business	P
Roadside stands	P
Small Engine Repair and/or Welding Shop	P

**Table Abbreviations:**

P – Permitted Use

SE/C - Special Exception / Conditional Use

***Compliance with General Regulations***

- A. All uses shall comply with all applicable general regulations contained within the General Regulations Article of this Ordinance.

***Uses Permitted by Special Exception or Conditional Use***

- A. See Specific Criteria for Special Exceptions and Conditional Uses for the specific criteria to be applied to the approval of such uses

*[Note: Municipalities are given the option in the table to choose whether it wants to permit a specific use as a Permitted Use, Conditional Use (approved by the governing body) or a Special Exception (Authorized by Zoning Hearing Board). All Conditional Uses and Special Exceptions should have associated criteria identified within the ordinance.]*

***Agricultural Nuisance Disclaimer***

- A. All lands within the Agricultural Zoning District 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 within this zoning district shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.

***Required Erosion and Sediment Pollution Control Plan***

- A. Any agriculture, horticulture or forestry-related uses involving earthmoving activities requiring an approved Erosion and Sediment Pollution Control Plan from the County Conservation District and/or the Department of Environmental Protection pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, shall demonstrate such permitting and all onsite activities shall then be in compliance with the approved Erosion and Sedimentation Pollution Control Plan.

## COMMERCIAL DISTRICTS

### *Purpose*

- A. The purpose of the Commercial Zoning District is 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.

### *Dimensional Requirements and Uses*

	Neighborhood Commercial*	Highway Commercial
<b>Dimensional Requirements</b>		
Driveway/Access Spacing*		
Low Volume	100	150
Medium Volume	150	225
High Volume	200	300
Maximum Impervious	75	75
Front Setback	30	50
Side Setback	10	10
Rear Setback	30	50
Max. Building Height	35	50
*Minimum driveway spacing is to be based on site-specific features and applicable PennDOT or municipal driveway permit standards, but in no case should the distance between adjacent driveways be less than the standards presented here. Joint use driveways, parallel access drives, and other access management measures are strongly encouraged.		
<b>Uses</b>		
<b>A. COMMERCIAL USES</b>		
Adult Day Care	P	P
Animal Hospital, Animal Kennel, Veterinary Office, Grooming or Day Care	SE/C	P
Auction House		P
Auto Repair Garage/ Body Shop		P
Automobile, Bus, Class I Recreation Vehicle, Boat, Motorcycle, & Snowmobile Sales and/or Service		P
Automobile Service Station/ Body Shop	SE/C	P
Bakery, Retail	P	P
Business Services	P	P
Car Wash		P
Casino		SE/C
Catering for Off-site Consumption	P	P
Cemetery	P	P
Commercial Day Care	P	P



Communication and Antenna Tower, Equipment, Transmitting and Receiving Facilities		SE/C
Commercial Recreation or Entertainment Facilities	SE/C (based on scale/size)	P
Contractors Office or Shop		P
Convenience or Grocery Stores	SE/C	P
Crafts or Artisan’s Studio	P	P
Cultural Center	P	P
Distilleries, Breweries, Microbreweries	SE/C	P
Dry Cleaners and/or Laundries (Commercial or Industrial)	P	P
Emergency Medical Treatment Center	P	P
Farmers Market and/ or Flea Market	P	P
Financial Institutions (No Drive Thru Facilities)	P	P
Financial Institutions, with Drive Thru Facilities		SE/C
Fitness Centers	P	P
Florist	P	P
Funeral Home, Mortuary, and/or Crematorium	SE/C	P
Golf Course		P
Greenhouse, Garden Center, or Plant Nursery		P
Hardware Store	SE/C	P
Historic Structure Conversion	SE/C	SE/C
Home Improvement or Building Supply Center		SE/C
Hospital	P	P
Lumber Yard		P
Manufactured/ Mobile Home Sales Lot		P
Massage Therapy	P	P
Medical Laboratory and/or Clinic	P	P
Medical Marijuana Facility (2)	SE/C	SE/C
Motel or Hotel, Including Conference Facilities	P	P
Municipal Owned Uses	P	P
Offices	P	P
Off-Track Betting Parlors / Mini Casino		SE/C
Outdoor Recreation	SE/C	SE/C
Pawn Shop	P	P
Personal Services	P	P
Post Office (Mailing Supplies & Services)	P	P
Private Club	P	P
Public Utility Building or Structure	SE/C	P

Indoor Recreation (including ice skating, arcades, roller skating, bowling alley and similar uses) Excluding Adult Related Uses	SE/C (limit scale)	P
Repair Services (household appliances)	P	P
Restaurant with No Drive Thru	P	P
Restaurant with Drive Thru		P
Restaurant w/Bar / Nightclub	SE/C	P
Retail Business	P	P
State Wine and Spirit Shop	P	P
Target Range Indoor		P
Tattoo or Body Piercing Establishment	P	P
Theater, Indoor (excluding adult Uses)	P	P
Theater, Outdoor (excluding adult uses)		P
<b>B. OTHER USES</b>		
Airport or Heliport		SE/C
Apartments	P	P
Bed and Breakfast Homes and Inns	P	P
Boarding Home		P
Family & Group Care Facility	P	P
Forestry	P	P
Helistop		SE/C
House of Worship or Related Uses	SE/C	P
Mini Warehouse		SE/C
Nursing/Skilled Care Facility	P	P
Parking Structure		P
Quarry	SE/C	SE/C
School, All Types (Public or Private, Primary or Secondary or Vocational)	P	P
Single Family Attached Dwelling	P	
Single Family Detached Dwelling	P	
Single Family Semi-Detached Dwelling	P	
Solar Facilities	SE/C	SE/C
Townhouses	P	
Truck Stop/ Terminal		SE/C
Two-Family Detached Dwelling	P	
<b>C. ACCESSORY USES</b>		
Child Care for Permitted Use	P	P
Child Care, In Home	P	P
Drive Through Facilities for Permitted Uses	SE/C	SE/C
Home Occupation	SE/C	SE/C
No Impact Home Based Business	P	P
Outdoor Café	P	P

**Table Abbreviations:**

P – Permitted Use

SE/C - Special Exception / Conditional Use

(2) provided is a standalone model ordinance which addresses this use in greater detail

***Compliance with General Regulations***

- A. All uses shall comply with all applicable general regulations contained within the General Regulations Article of this Ordinance.

***Uses Permitted by Special Exception or Conditional Use***

- A. See Specific Criteria for Special Exceptions and Conditional Uses for the specific criteria to be applied to the approval of such uses

*[Note: Municipalities are given the option in the table to choose whether it wants to permit a specific use as a Permitted Use, Conditional Use (approved by the governing body) or a Special Exception (Authorized by Zoning Hearing Board). All Conditional Uses and Special Exceptions should have associated criteria identified within the ordinance.]*

## CONSERVATION – FOREST DISTRICT

### *Purpose*

- A. The purpose of the Conservation - Forest Zoning District is 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 zoning district encourage the most appropriate conservation / recreation activities for these areas. Some forms of development are allowed under prescribed criteria. The provisions of this zoning district 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”.

### *Dimensional Requirements and Uses*

	<b>Conservation/Forest</b>
<b>Dimensional Requirements</b>	
Lot Size <sup>1</sup>	10 acres
Front Setback	50
Side Setback	25
Rear Setback	50
Max. Building Height	
Impervious Cover	20%
<b>Uses</b>	
<b>B. CONSERVATION/FOREST USES</b>	
Agricultural operation	P
Aquaculture and Fisheries/ Hydroponics	P
Concentrated Animal Feeding Operation	SE/C
Forestry	P
Horticulture	P
Natural Areas or Wildlife Refuges	P
Plant Nurseries and Greenhouses	P
Private and Semi-Public outdoor recreation areas	P
Public and Non-Profit Parks	P
Playgrounds	SE/C
Retail Sale of Agricultural, Nursery and Garden Material	P
<b>B. OTHER USES*</b>	
Agritainment venues / Event Center/ Agritourism	SE/C
Animal hospital, Veterinary office and/or Kennel	SE/C
Barracks/Dormitories	SE/C
Bed and Breakfast Inns and Homes	SE/C
Boarding Home	SE/C
Campground	SE/C
Cemetery	P
Commercial Day Care Facility	P
Communication Antennas, Towers and Equipment Transmitting and Receiving facilities	SE/C

Contractors Office or Shop	P
Emergency Medical Treatment Center	P
Golf Course	SE/C
ECHO Housing	SE/C
Family and Group Care Facility	P
Forestry	P
Historic Structure Conversion	SE/C
Hospital	P
House of Worship and Related Uses	SE/C
Housing for Farm Employees	P
Hunting, Fishing, Boating, and Ski Lodges	SE/C
Medical Laboratory and/or Clinic	P
Municipal owned Uses	P
Nursing/Skilled Care Facility	P
Private Club	SE/C
Public Utility Buildings and Structures	SE/C
Quarry	SE/C
Riding Schools and Stables	SE/C
Rural Residential Development	P
Sawmill	SE/C
School All Types, Public or Private, Primary or Secondary, Vocational	SE/C
Shotgun, Rifle, Pistol, and Archery Ranges: Outdoor	SE/C
Solar Facilities	SE/C
Special Occasion Home	SE/C
Wind Energy Facilities	SE/C
<b>C. ACCESSORY USES</b>	
Accessory Dwelling Units	SE/C
Accessory Farm Operations	SE/C
Beekeeping	P
Carpentry	SE/C
Child Care, In Home	P
Child Care for Permitted Use	P
Home Occupation	SE/C
No Impact Home Based Business	P
Domesticated Keeping of Farm Animals	P
Roadside stands	P
Small Engine Repair and/or Welding Shop	P

**Table Abbreviations:**

P – Permitted Use

SE/C - Special Exception / Conditional Use

\*The proposed subdivision of a parcel of land within the Conservation/Forest Districts shall be permitted by right utilizing lot averaging methodology provided that the site is developed with single-family-detached dwelling lots or other permitted uses in accordance with the lot averaging land preservation provisions specified in other sections of the subdivision and zoning codes. Such lots shall be developed with on-lot wastewater systems, with minimum lot sizes based on applicable PA DEP regulations and any applicable hydrogeology analysis.

***Compliance with General Regulations***

- A. All uses shall comply with all applicable general regulations contained within the General Regulations Article of this Ordinance.

***Uses Permitted by Special Exception or Conditional Use***

- A. See Specific Criteria for Special Exceptions and Conditional Uses for the specific criteria to be applied to the approval of such uses

*[Note: Municipalities are given the option in the table to choose whether it wants to permit a specific use as a Permitted Use, Conditional Use (approved by the governing body) or a Special Exception (Authorized by Zoning Hearing Board). All Conditional Uses and Special Exceptions should have associated criteria identified within the ordinance.]*

## INDUSTRIAL DISTRICT

### *Purpose*

- A. The purpose of the Industrial Zoning District is 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 Name*).

### *Dimensional Requirements and Uses*

	Light Industrial	Heavy Industrial
<b>Dimensional Requirements</b>		
Driveway/Access Spacing*		
Low Volume	100	150
Medium Volume	150	225
High Volume		300
Front Setback	30	50
Side Setback	30	50
Rear Setback	30	50
Max. Building Height	35	50
Impervious Cover	75	75
*Minimum driveway spacing is to be based on site-specific features and applicable PennDOT or municipal driveway permit standards, but in no case should the distance between adjacent driveways be less than the standards presented here. Joint use driveways, parallel access drives, and other access management measures are strongly encouraged.		
<b>Uses</b>		
<b>A. INDUSTRIAL USES</b>		
Airport, Heliport	SE/C	SE/C
Alternate Fuel Production	SE/C	P
Assembly or Finishing of Products Using Materials Produced Elsewhere	SE/C	P
Automobile Auction and Related Facilities	SE/C	P
Automobile, Bus, Class I Recreation, Recreation Vehicle, Boat, Motorcycle, and Snowmobile Sales and/or Service	SE/C	P
Automobile Repair Garage/ Body Shop	P	P
Building Supplies and Building Materials	SE/C	P
Concentrated Animal Feeding Operation		SE/C
Communication and Antenna Towers, Equipment	P	P



Transmitting and Receiving Facilities		
Construction company or Tradesperson’s Headquarters, Including outside storage, provided it meets the screening requirements	P	P
Dry Cleaners and/or Laundries (Commercial or Industrial)	SE/C	P
Forestry	P	P
Heavy Equipment Sales, Services and/or Repair Facility	SE/C	P
Helistop	SE/C	SE/C
Junkyard		SE/C
Liquid Fuel Storage, Bulk or Off-site Distribution, Retail Propane Distribution, other than Pre Packaged or Fuel Tanks for Company Distribution		P
Lumber Yard	P	P
Manufactured / Mobile Home Sales Lot	P	P
Manufacturing and/or Assembly	SE/C	P
Mini-Warehouses	P	P
Municipal Owned Uses	P	P
Offices	P	P
Off-Track Betting Parlors/ Mini-Casino	SE/C	SE/C
Power Generating Facility		SE/C
Printing or Book Binding	SE/C	P
Public Utility Buildings or Structures	P	P
Quarry	SE/C	SE/C
Recycling Center	SE/C	P
Research & Development, Engineering or Testing Facility or Lab	P	P
Sawmill	SE/C	P
Slaughter House, Stockyard or Tannery		SE/C
Small Engine Repair and or Welding Shop	P	P
Solar Facilities	P	P
Solid Waste Processing and/or Transfer Facility or Waste to Energy Facility		SE/C

Truck Stops/ Terminal		SE/C
Warehouse and/or Distribution Centers	SE/C	SE/C
Waste Handling Facility		SE/C
Wind Energy Facilities	SE/C	SE/C
<b>B. OTHER USES</b>		
Adult Related Uses		SE/C
Cemetery	P	P
Craftsmen or Artisan’s Studio	P	P
Distilleries, Breweries, Microbreweries	P	P
Medical Laboratory and/ or Clinic	P	P
Medical Marijuana Facility (1)	SE/C	SE/C
Racetracks		SE/C
<b>C. ACCESSORY USES</b>		
Child Care for Permitted Uses	P	P
Manure Storage Facility		SE/C

**Table Abbreviations:**

P – Permitted Use

SE/C - Special Exception / Conditional Use

(1) provided is a standalone model ordinance which addresses this use in greater detail.

***Compliance with General Regulations***

- A. All uses shall comply with all applicable general regulations contained within the General Regulations Article of this Ordinance.

***Uses Permitted by Special Exception or Conditional Use***

- A. Special exceptions and conditional uses in the Light Industrial Zone shall meet the criteria listed for “Special Exception/Conditional Use Criteria for Light Industrial Uses in addition to any criteria provided for the specific use listed.
- B. See Specific Criteria for Special Exceptions and Conditional Uses for the specific criteria to be applied to the approval of such uses

*[Note: Municipalities are given the option in the table to choose whether it wants to permit a specific use as a Permitted Use, Conditional Use (approved by the governing body) or a Special Exception (Authorized by Zoning Hearing Board). All Conditional Uses and Special Exceptions should have associated criteria identified within the ordinance.]*

## INSTITUTIONAL DISTRICT

### *Purpose*

- A. The purpose of the Institutional Zoning District is to promote a range of institutional uses and an appropriate mix of other compatible uses.

### *Dimensional Requirements and Uses*

<b>Dimensional Requirements</b>	
Lot Size <sup>1</sup>	1 acre
Front Setback	35
Side Setback	10
Rear Setback	30
Max. Building Height	35
<b>Impervious Cover</b>	60%
<b>Uses</b>	
<b>A. INSTITUTIONAL USES</b>	
Child Care In Home	P
Colleges or Universities, Including Dormitories	P
Commercial Day Care Facility	SE/C
Cultural Facilities	P
Emergency Medical Treatment Center	P
Forestry	P
Hospital	SE/C
House of Worship and Related Uses	P
Medical Laboratory and/or Clinic	P
Municipal owned Uses	P
Natural Areas or Wildlife Refuges	P
Offices	P
Playgrounds	P
Public Utility Buildings and Structures	P
Schools, All Types (Public or Private, Primary or Secondary, Vocational)	P
Vocational School	P
Wind Energy Facilities	SE/C
<b>B. OTHER USES*</b>	
Apartments	P
Barracks/Dormitories	P
Bed and Breakfast Inns and Homes	P
Boarding Home	P
Cemetery	P
Communication Antennas, Towers and Equipment Transmitting and Receiving facilities	SE/C
Historic Structure Conversion	SE/C
Horticulture	SE/C
Nursing/Skilled Care Facility	P
ECHO Housing	P
Family and Group Care Facility	P

Retail Sale of Agricultural, Nursery and Garden Material	SE/C
Special Occasion Home	P
Townhouses	P
Two Family Detached Dwelling	P
<b>C. ACCESSORY USES</b>	
Accessory Dwelling Units	P
Accessory Farm Operations	P
Beekeeping	P
Child Care, In Home	P
Child Care for Permitted Use	P
Home Occupation	SE/C
No Impact Home Based Business	P
Domesticated Keeping of Farm Animals	SE/C
Roadside Stands	SE/C

**Table Abbreviations:**

P – Permitted Use

SE/C - Special Exception / Conditional Use

***Compliance with General Regulations***

- A. All uses shall comply with all applicable general regulations contained within the General Regulations Article of this Ordinance.

***Uses Permitted by Special Exception or Conditional Use***

- A. See Specific Criteria for Special Exceptions and Conditional Uses for the specific criteria to be applied to the approval of such uses

[Note: *Municipalities are given the option in the table to choose whether it wants to permit a specific use as a Permitted Use, Conditional Use (approved by the governing body) or a Special Exception (Authorized by Zoning Hearing Board). All Conditional Uses and Special Exceptions should have associated criteria identified within the ordinance.*]

## RESIDENTIAL DISTRICTS

### *Purpose*

- A. The purpose of the Residential Zoning Districts is to provide flexible opportunities to accommodate planned growth within the municipality through a range of housing types and densities.

### *Dimensional Requirements and Uses*

	<b>LDR</b>	<b>MDR</b>	<b>HDR</b>	<b>Village/Mixed Use</b>
<b>Dimensional Requirements</b>				
Lot Size <sup>1</sup>	< 4 dwelling units/ac.	4 - 8 dwelling units/ac.	>8 dwelling units/ac.	> 8 dwelling units/ac. and uses as permitted under Neighborhood Commercial
Minimum Lot Width	100	75	50	50
Maximum Impervious	30	50	75	75
Front Setback	30	25	20	20
Side Setback	10	8	6	6
Rear Setback <sup>2</sup>	30	25	20	20
Max. Building Height	25	35	50	50
<p><sup>1</sup> Lot size is provided for subdivisions or land developments with both public sewer. Lot sizes for projects proposing on-lot wastewater systems shall be based on applicable PA DEP regulations and any applicable hydrogeology analysis. Projects with public sewer, but individual drinking water wells shall demonstrate adequate water supply without impacting adjacent properties. Setbacks and building height regulations shall apply to all subdivisions and land development proposals.</p> <p><sup>2</sup> Rear setbacks for accessory buildings/structures shall be 5 feet</p>				
<b>Uses</b>				
<b>A. RESIDENTIAL USES</b>				
Accessory Dwelling Unit	P	P		P
Apartment		SE/C	P	P
Bed and Breakfast Homes	SE/C	SE/C	SE/C	P
Boarding Home	SE/C	SE/C	SE/C	P
ECHO Housing	SE/C	SE/C	SE/C	P
Family & Group Care Facilities	P	P	P	P
Flag Lot Residence	SE/C	SE/C	SE/C	SE/C
Forestry	P	P	P	P
Mobile/ Manufactured Home Parks	SE/C	SE/C	SE/C	SE/C
Single Family Attached Dwelling		P	P	P

Single Family Detached Dwelling	P	P	P	P
Single Family Semi-Detached Dwelling		P	P	P
Special Occasion Home	SE/C	SE/C	SE/C	SE/C
Tiny Home	P	P	P	P
Tiny Home Village		SE/C	SE/C	
Townhome	SE/C	P	P	P
Two Family Detached Dwelling		P	P	P
<b>B. OTHER USES</b>				
Agriculture Operation	P			
Cemetery	P	P	P	P
Commercial Day Care Center			SE/C	P
Forestry	P	P	P	P
Golf Course	SE/C	SE/C	SE/C	
Historic Structure Conversion	SE/C	SE/C	SE/C	SE/C
House of Worship and Related Uses	SE/C	SE/C	SE/C	SE/C
Library	P	P	P	P
Municipal Owned Uses	P	P	P	P
Outdoor Recreation	SE/C	SE/C	SE/C	SE/C
Public Utility Buildings and Structures	SE/C	SE/C	SE/C	SE/C
Quarry	SE/C	SE/C	SE/C	SE/C
School, All Types (Public or Private, Primary or Secondary, Vocational)	SE/C	SE/C	SE/C	SE/C
Short-Term Rentals	SE/C	SE/C	P	P
<b>C. ACCESSORY USES</b>				
Accessory Residential Uses and Structures	P	P	P	P
Child Care for Permitted Use	P	P	P	P
Child Care, In Home	P	P	P	P
Domesticated Keeping of Farm Animals	SE/C	SE/C		
Home Occupation	SE/C	SE/C	SE/C	SE/C
No Impact Home based Business	P	P	P	P
Roadside stands	SE/C			

**Table Abbreviations:**

HDR – High Density Residential

LDR – Low Density Residential

MDR – Medium Density Residential

P – Permitted Use

SE/C - Special Exception / Conditional Use

***Compliance with General Regulations***

- A. All uses shall comply with all applicable general regulations contained within the General Regulations Article of this Ordinance.

***Uses Permitted by Special Exception or Conditional Use***

- A. See Specific Criteria for Special Exceptions and Conditional Uses for the specific criteria to be applied to the approval of such uses

[Note: *Municipalities are given the option in the table to choose whether it wants to permit a specific use as a Permitted Use, Conditional Use (approved by the governing body) or a Special Exception (Authorized by Zoning Hearing Board). All Conditional Uses and Special Exceptions should have associated criteria identified within the ordinance.*]



**NONCONFORMING LOTS, USES AND BUILDINGS**

*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.

*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.

*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:
      - (1) 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
      - (2) 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.

(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.

***Existing Nonconforming Uses and Buildings***

**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.

**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.
    - (1) 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 14.
  - 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.

### *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.

***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.

*[Note: As an exception, mobile homes utilized for 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.

**GENERAL REGULATIONS**

**Application**

The regulations contained in this Article shall apply to all uses within (*Municipality name*).

***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 to the (*Municipality name*) 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.

***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.

***Agricultural Related Enterprise***

- A. No more than 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;
- B. 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;
- C. Any new building constructed for use by the accessory occupation should be of a design so that it can be readily converted to agricultural use, or removed, if the accessory occupation is discontinued;

- D. 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;
- E. The total of all accessory occupations shall occupy no more than four thousand (4,000) square feet of gross floor area if enclosed, or no more than one (1) acre of lot area if not enclosed. 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;
- F. 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;
- G. 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;
- H. Direct commercial sales of agricultural commodities upon properly owned and operated by a landowner who produced not less than 50% if the commodities sold shall be authorized, notwithstanding municipal ordinance, public nuisance or zoning prohibitions. Such direct sales shall be authorized without regard to the 50% limitation under circumstances of crop failure due to reasons beyond the control of the landowner.
- I. 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 name*) 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.

***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.

***Automobile, Bus, Class I Recreation, Recreation Vehicle, Boat, Motorcycle, and Snowmobile Sales and/ or Service***

- 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.

***Auto Repair Garage/ Body Shop***

- A. 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.
- B. 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.
- C. Overnight outdoor storage of “junk” other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
- D. 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: (1) they are screened from view from streets and other lots by landscaping or buildings and (2) they are actively undergoing repair.
- E. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street).

***Bed and Breakfast Homes and Inns***

- A. A bed and breakfast home shall be allowed only in an owner-occupied structure or accessory building. No modification to the external appearances of the building (except fire and safety requirements) which would alter its original character shall be permitted.
- B. 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.
- C. To maintain consistency between established and proposed development, parking on the lot shall not be located between the front building facade and front lot line when the property is otherwise served by an alley.
- D. No more than 5 bedrooms may be available or used for such use in any building.
- E. Signage shall be limited on the lot to one ground sign or one wall or projecting sign meeting the dimensional requirements of the applicable sign overlay district.
- F. Meal service shall be limited to breakfast served only to overnight guests of the facility.

- G. All off-street parking spaces shall be provided on the lot. The number of off-street parking spaces shall be provided as defined by this ordinance. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, or stone block paving material.
- H. The owner and/or manager of the facility shall reside therein.
- I. An overnight guest shall not occupy the facility for more than fourteen (14) consecutive nights in a thirty (30)-day period.

***Beekeeping***

- A. The applicant shall maintain the bees in a manner that does not create a public nuisance.
- B. Bee colonies shall be maintained within hives.
- C. Hives shall be located a minimum of 100 feet from any lot line, except this setback shall be reduced to 50 feet if a 6 feet minimum height fence or solid hedge is located along the adjoining lot line for a distance of at least 100 feet from the hives.
- D. The approval to keep bees shall be revoked if the use is maintained in a way that results in unprovoked stinging of persons who are located on other lots or on streets or sidewalks.

***Boarding Home***

- A. The boarding house shall provide accommodations for no more than five persons.
- B. 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.
- C. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
- D. All floors above grade shall have direct means of escape to ground level.
- E. All parking areas shall be screened from adjoining residences.
- F. Meals shall be offered only to registered tenants.
- G. Signs must be compliant with the Home Occupation sign requirements in the Sign Regulations Article.

***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 constructed 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.

***Buffer Regulations.***

- A. Any non-residential zone (NC, HC, LI, HI) or mixed use zone with a non-residential use (Village/ Mixed Use, INST) adjoining land within a (A), (LDR), (MDR), (HDR), or (Village/ Mixed Use) 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 12-1  
Buffer Yards**

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

\*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 name*) 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 (*Municipal 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.
  - 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 name*) 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 (*Municipal Governing Body*) may require the installation of a fence in addition to a buffer yard.

***Car Wash***

- A. Gray water recycling is mandatory and the applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.
- B. 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;
- C. For full service car washes, a post-washing drying area shall be provided for no less than six (6) vehicles per washing lane;
- D. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris; and,
- E. The subject property shall front on an arterial or collector road.

***Cemeteries***

- A. All burial plots or facilities shall be set back a minimum of 20 feet from any property line.
- B. No burial plots or facilities are permitted in floodplain or flood fringe areas.

***Child Care Center***

- 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 the Off-Street Parking and Loading Article.
- 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).

***Child Care, In Home***

- A. The child care shall be limited to six (6) children not related by legal marriage, birth or adoption.

***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.

***Concentrated Animal Feeding Operation (CAFO) /Concentrated Animal Operation (CAO)***

- A. The parcel of contiguous land owned or leased by the operator of a CAFO or CAO shall be and remain in accordance with the lot requirements of the Nutrient Management Act.
  - 1. Irrespective of the provisions of this section, any CAFO or CAO 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 name*) and shall be subject to the following limitations:
    - a. The gross floor area of buildings housing such livestock shall not be expanded to more than double the gross floor area housing such livestock.
    - b. 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), as reenacted and amended.



2. Any building constructed after the date of the enactment of this chapter to house animals in a CAFO or CAO operation must maintain the following setbacks:
  - a. From a dwelling not owned by the owner of the CAFO or CAO, 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.
  - b. From a property line: 100 feet.
  - c. Buildings housing animals shall not be located within the floodplain.
  - d. From a well not owned by the owner of the CAFO or CAO 100 feet.
3. 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 CAFO or CAO 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.
4. The owner of the CAFO or CAO 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.
5. The CAFO or CAO must establish and maintain compliance at all times with the requirements of the Pennsylvania Nutrient Management Law.
6. The CAFO or CAO 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 Agriculture.
7. The owner of the property on which a building to house animals in a CAFO or CAO 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 name*) 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:

- a. Such storage is of materials utilized in conjunction with the agricultural use of the property.
- b. At least 50% of the gross floor area of the building is utilized for such storage purposes.

***Drive-Thru Facilities for Permitted Uses***

- A. The subject property shall front on an arterial or collector road;
- B. 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;
- C. All exterior seating/play areas shall be completely enclosed by a minimum three foot (3’) high fence;
- D. Whether or not located on a State highway, applicants are to use the guidelines and policies outlined in PennDOT Publication 282, Highway Occupancy Permit Operations Manual, to project future traffic volumes and demonstrate that appropriate mitigation measures can be implemented so that level of service is not degraded. The study area of the traffic analysis shall be determined in cooperation with PennDOT, the municipality, and applicable Metropolitan Planning Organization (MPO) as appropriate.
- E. All drive-through lanes shall be separated from the parking lot’s interior driveways and have stacking to accommodate 75% of the peak hour trip generation for the facility.
- F. Outside speakers shall not be audible from any residential area.
- G. 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:
  - 1. 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.
  - 2. The traffic study shall be completed in accordance with the (*Municipality name*) Subdivision and Land Development Ordinance requirements.

**Commercial Day Care**

- A. An outdoor play area shall be provided. Off street parking compounds shall not be used as outdoor play areas. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses including a minimum of a four foot (4’) high fence with screening from adjoining residentially 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);
- B. Enrollment shall be defined as the largest number of persons and/or children under daycare supervision at any one time during a seven day period;

- C. 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;
- D. All commercial day care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

### Common Open Space Requirement

- 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 name*);
    - 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.
  - 2. Meet the following design requirements:
    - a. Maximum impervious coverage: 10%
    - b. Accessory use setbacks: 25’ for front, rear and side yards
    - c. Maximum permitted accessory building height: 20’
  - 3. 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.
  - 4. 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 name*). (*Municipality name*) shall not be obligated to accept dedication of the common open space.

- b. With the permission of (*Municipality name*), and with appropriate deed restrictions in favor of (*Municipality name*) and in language acceptable to the (*Municipality name*) 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 reversion or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with (*Municipality name*).
- 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 owners’ 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 name*) 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.

**Compost**

- A. 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.

**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 cart way 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 name*) Subdivision and Land Development Ordinance, but no less than a minimum of two hundred feet (200') in each directions.

#### **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.

#### ***Family & Group Care Facility***

- A. The following information shall be provided to (*Municipality name*) prior to the issuance of a building permit or certificate of occupancy:
  - B. 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.

- C. 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.
- D. A family & Group care facility shall be designed to blend in with the existing character of the neighborhood.
- E. 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
- F. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
- G. 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 name*) prior to beginning the use. The halfway house shall not be located within 1,000 feet of any religious structure, public recreation facility, and school facility, day-care center, public library or another Halfway House.

***Farmers Market/ Flea Market***

- A. 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;
- B. 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;
- C. 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;
- D. Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in the Off-Street Parking and Loading Article;
- E. 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;
- F. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties; and,
- G. 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.

***Fences and Walls***

- A. 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.

***Frontage onto Improved Streets***

- A. 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 name*) 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 name*) Subdivision and Land Development Ordinance.
- B. Access to lots containing single-family dwellings shall be via driveways and access to lots containing other uses shall be via access drives.
- C. 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 name*) prepared by the (*Municipality name*) Solicitor outlining the responsibility of each party as it pertains to the private right-of-way.

***Forestry***

- A. In accordance with state law, forestry (as defined herein) uses are permitted, by right, in every zoning district in accordance with the following requirements.
- B. Relationship of State Laws, Regulations and Permits

- C. Where forestry activities require an Erosion and Sedimentation Control Plan, the property owner shall provide a copy of the following documentation to the municipality.
1. A logging plan that addresses and complies with the requirements of all applicable state regulations, including, but not limited to, the following:
    - a. Erosion and sedimentation control regulations contained in 25 Pa. Code, Chapter 102, promulgated pursuant to the Clean Streams Law, 35 P.S. § 691.1 et seq.
    - b. Stream crossing and wetlands protection regulations contained in 25 Pa. Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act, 32 P.S. § 693.1 et seq.
    - c. Responsibility for Road Maintenance and Repair; Road Bonding. Pursuant to 75 Pa.C.S.A., Chapter 49; and 67 Pa. Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to roadways caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages.
    - d. Any permits required by state laws and regulations shall be attached to, and become part of, the logging plan.
    - e. The plan shall be available at the harvest site at all times during the operation.

***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 of 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.

***Height Regulations***

- A. 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.

- B. 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 appurtenances usually required to be and customarily placed above roof level and not intended for human occupancy.
- C. No building shall be hereafter erected less than one (1) story in height

***Hospitals***

- A. The facility operator shall meet all state and federal rules and regulations for health-care facilities.
- B. All applicants shall provide evidence that the hospital will be conducted in a manner that will not be detrimental to neighboring property owners.
- C. Minimum lot area: five acres
- D. Minimum street frontage: 300 feet
- E. Public sewer and public water shall be used
- F. The subject property shall have frontage along an arterial or collector street
- G. All height, area, setback and coverage standards within the underlying district shall apply.
- H. Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned or utilized properties.
- I. Whether or not located on a State highway, applicants are to use the guidelines and policies outlined in PennDOT Publication 282, Highway Occupancy Permit Operations Manual, to project future traffic volumes and demonstrate that appropriate mitigation measures can be implemented so that level of service is not degraded. The study area of the traffic analysis shall be determined in cooperation with PennDOT, the municipality, and applicable Metropolitan Planning Organization (MPO) as appropriate.
- J. The institution shall submit a copy of its emergency operations plan (EOP) to the (*Municipality name*) 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.

***Housing for Farm Employees***

- A. For each farm, 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.
- B. All such homes shall further comply with all setback requirements imposed upon single-family detached dwellings.

- C. Where mobile or tiny 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 or tiny home and each mobile or tiny home pad shall include properly-designed utility connections in accordance with the most recent Building Code.

**Indoor Recreation (including ice skating, arcades, roller skating, bowling alley, and similar uses- Excluding Adult Related Uses**

- A. All activities shall take place within a completely-enclosed building;
- B. 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;
- C. A minimum of one parking space for each eighty (80) feet of gross leasable 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;
- D. A working plan for the cleanup of litter shall be furnished and implemented by the applicant; and
- E. In establishments with only one (1) device, these regulations shall not apply.

***Industrial Uses***

- A. The applicant shall provide a detailed written description of the proposed use in each of the following topics:
  - 1. 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;
  - 2. 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

***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.

***Manure Storage Facilities***

- A. 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 and the Pennsylvania Nutrient Management Act.
- B. All manure waste storage facilities’ designs shall be reviewed by the (*County name*) County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility.
- C. 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 name*) County Conservation District, a record of which should be filed with the Zoning Officer.

***Motels or Hotels including conference centers***

- A. Minimum lot area shall comply with the underlying zoning district.
- B. All buildings and structures shall be set back a minimum of thirty feet (30') from any lot line.
- C. 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.
  - 1. When deemed necessary by the (*Municipal Governing Body*), earthen berms shall be incorporated into the landscape plan along public street frontage and along property lines abutting existing dwellings.
  - 2. Landscaped areas shall be continually maintained. Care, grooming and replacement of dead plants shall be included as part of the required maintenance.

***No-Impact Home-Based Businesses***

- A. 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.
- B. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- C. The business shall employ no employees other than family members residing in the dwelling.
- D. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- E. There shall be no outside appearance of a business use, including but not limited to parking, signs or lights.
- F. 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.
- G. 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.
- H. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- I. The business may not involve any illegal activity.

***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 name*) 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.

***Nursing/ Skilled Care Facility***

- A. 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:
  - 1. Dispensaries
  - 2. Medical facilities
  - 3. Common dining facilities
  - 4. Group recreation facilities
  - 5. Personal care services
  - 6. Adult and child day care
  - 7. Bank or financial institution
  - 8. Florist, stationery and gift shop
  - 9. Snack shop
  - 10. Other similar uses demonstrated to provide value to the residents



- A. Buildings on the same lot shall meet the following interior yard spacing requirements:
  - 1. Front to front: 70 feet
  - 2. Front to side: 50 feet
  - 3. Front to rear: 20 feet
  - 4. Side to rear: 20 feet
  - 5. Side to side: 15 feet
  - 6. Rear to rear: 30 feet
  - 7. Corner to corner: 20 feet
- B. Minimum vegetative coverage shall be 40%
- C. The applicant shall provide proof that all applicable state, county and (municipal licenses have been obtained

***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.
- C. No such pond shall be used for the commercial hatching of fish or other species.

***Outdoor Café***

- 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, while providing adequate area on the sidewalk to accommodate the expected level of pedestrian activity.

***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.

***Performance Standards for all Uses***

- A. All uses shall be subject to and comply with the following regulations, or as amended, where applicable.
- B. Noise Pollution and Vibration: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection.
- C. Air Pollution. Airborne Emissions and Odor: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection.
- D. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691, or as amended.
- E. Mine Reclamation and Open Pit Setback: Pennsylvania Act 147, the “Surface Mining Conservation and Reclamation Act” of 1971, or as amended.
- F. Glare and Heat: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection.
- G. 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.
- H. 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 (*Municipal 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.

***Prohibited Uses***

The following uses are prohibited in all districts within (*Municipality name*).

- A. The incineration, reduction or storage of offal, animals, fish, or refuse, except as provided for under the Pennsylvania Domestic Animal Act mortality disposal requirements.
- 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 name*).

***Rural Residential Development***

- A. 10% of a conforming lot in the Agricultural District may be used for residential development at a density up to 8 dwelling units per acre as long as all applicable environmental regulations (water supply and wastewater management) can be met.
- B. Such development of deed restrictions must be in accordance with the regulations stated in the SALDO.

***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.

***Satellite Dish Antennas***

- A. Satellite dish antennas are subject to all accessory use standards.
- B. Any satellite dish antenna located within the (A), (LDR), (MDR), (HDR) districts shall be used only to receive signals, not to transit them.
- C. All ground-mounted satellite dishes located within the (Village/ Mixed Use), (NC), (HC), (LI) and (HI) 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.

***Seasonal Sidewalk Displays***

- A. 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.
- B. 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);
- C. In no case shall such sidewalk display area exceed fifty percent (50%) of the lineal store-front dimension;
- D. No signage, except as authorized by this Ordinance, shall be permitted; and
  - 1. Intended sidewalk display areas shall be located upon any permits and/or plans required by *(Municipality name)*.

***Stockpiling, Outdoor***

- A. 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.

***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 ten (10) used tires shall only be permitted as part of a (*Municipality name*) approved junkyard. Any outside storage of tires shall involve stacks with a maximum height of 10 feet and shall cover a maximum of 300 square feet. Each stack of tires shall be located a minimum of seventy five feet (75') from all lot lines.

***Storage, Unenclosed Vehicles***

- A. 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, fishing poles, etc.), but will be measured to the highest point of any fly bridge 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, fishing poles, etc.), but will be measured to the highest point of any fly bridge 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.

***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.

***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.

***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 water's 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.

### ***Waste and Sewage Disposal***

- A. 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.

### ***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. A listing of all materials to be used and produced on the site;
  2. A 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.

### ***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. Not with standing 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.

- 1. An accessory building may be erected within one of the side yards or within the rear yard provided:
  - a. 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.
  - b. 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.
  - c. 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.

**SPECIFIC CRITERIA FOR SPECIAL EXCEPTIONS AND CONDITIONAL USES**

In addition to the General Regulations listed in the General Regulations Article, the following sets forth standards that shall be applied to each individual special exception or conditional use. These standards must be satisfied prior to approval of any applications for a special exception or conditional use. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

**Accessory Dwelling units**

- A. A property Owner must file a Zoning Permit for an accessory dwelling unit prior to its recognition as an Accessory Dwelling Unit. The property proposed for an Accessory Dwelling Unit must contain one (1), but no more than one (1), residential Structure occupied as a one-unit Dwelling.
- B. The property must be Owner-occupied, either in the Principal Structure or principal Dwelling Unit, or in the accessory Dwelling
- C. The Accessory Dwelling Unit shall be located either:
  - 3. In a newly constructed Accessory Dwelling Unit Structure;
  - 4. In an existing detached accessory Structure occupied, or formerly occupied, on the first floor by a garage, barn, or similar Accessory Use; or
  - 5. In a Principal Structure, provided that there is a separate entrance to the exterior or to an unconditioned porch type space.
- D. The Usable Floor Area of the Accessory Dwelling Unit shall not exceed fifty (50) percent of the Usable Floor Area of the principal dwelling unit or one thousand (1,000) square feet, whichever is less. Exterior patios, decks, porches, and staircases providing interior access from the principal unit to the Accessory Dwelling Unit will not be counted toward the Usable Floor Area of the Accessory Dwelling Unit.
- E. Parking for the Accessory Dwelling Unit must be provided on-site in accordance with the Off-Street Parking and Loading requirements specified in Part 4, Supplemental Regulations.
- F. The orientation of the proposed Accessory Dwelling Unit shall, to the maximum extent practical, maintain the privacy of residents in adjacent Dwellings as determined by the physical characteristics surrounding the Accessory Dwelling Unit including landscaped screening, fencing, and window and door placement.
- G. A separate numeric address for the Accessory Dwelling Unit is prohibited.
- H. No new, separate utility connection may be installed for the Accessory Dwelling Unit in a Principal Structure, unless more than one utility connection already serves the Lot, to the location of the proposed Accessory Dwelling Unit, at the time of the application for the Accessory Dwelling Unit.
- I. At any one time, the number of dwellers in an Accessory Dwelling Unit shall be limited to:

1. One (1) adult and minor children related to said adult by blood, marriage, adoption, custodianship, or guardianship; or
2. Two (2) adults (in total) and minor children related to at least one of the adults by blood, marriage, adoption, custodianship, or guardianship.

***Adult-Related Uses***

- 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;
- 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.

***Agricultural Related Enterprise***

- A. No more than 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
- B. 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;

- C. Any new building constructed for use by the accessory occupation should be of a design so that it can be readily converted to agricultural use, or removed, if the accessory occupation is discontinued;
- D. 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;
- E. The total of all accessory occupations shall occupy no more than four thousand (4,000) square feet of gross floor area if enclosed, or no more than one (1) acre of lot area if not enclosed. 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;
- F. 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;
- G. 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;
- H. 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;
- I. At least 50% of goods and materials offered for retail sale shall be produced on site.
- J. 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 name*) 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

***Airport or Heliport***

- 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 name*) 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 name*) 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.

***Animal Hospitals, Animal Kennel, Veterinary Offices, Grooming or Day Care***

- A. Kennels and/or animal hospitals shall have a minimum lot size.
- B. All areas used for exercise shall be securely fenced.
- C. 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.
- D. Animals shall be permitted to exercise outside daily between the hours of 8:00 a.m. to 8:00 p.m.

***Automobile Auction or Related Facilities***

- 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.
- E. In addition to the preceding requirements, automobile auctions shall comply with the following:



1. The retail 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 retail 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,

***Automobile Service Station/ Body Shop***

- 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.

***Campground***

- A. 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;

- B. 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;
- C. An internal road system shall be provided. These roads shall be an all-weather, dust free surface;
- D. 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;
- E. 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;
- F. 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;
- G. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street;
- H. 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;
- I. 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;
- J. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground.
- K. 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 name*).
- L. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

***Commercial Recreation or Entertainment Facilities***

- A. 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 backups 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 backups on adjoining roads.
- B. If, at any time after the opening of the commercial recreation facility, (*Municipality name*) determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, (*Municipality name*) can require the applicant to revise means of access to relieve the undue congestion.

***Communication Antennas, Towers, Equipment, Transmitting and Receiving Facilities.***

- A. Applicants are required to show compliance with the provisions of this Section and other applicable provisions of this Zoning Ordinance.
- B. Applications for the construction of communication antennas, support structures, and related facilities shall include a written report containing the following:
  1. Information describing the tower height and design;
  2. A cross section of the structure;
  3. Engineering specifications detailing construction of tower, base, and guy wire anchorage;
  4. Information describing the proposed painting and lighting schemes;
  5. Information describing the tower's capacity, including the number and type of antennas that it can accommodate;
  6. All tower structure information shall be certified by a licenses professional engineer;

7. 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;
  8. 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;
  9. Written authorization from the property owner of the proposed site;
  10. Inventory of existing antenna support structures within a two-mile radius of the proposed site, discussing the unavailability of sites and reasons therefore; and
  11. Evidence of the applicant's good faith efforts to locate the antenna on an existing structure.
  12. Applicant shall demonstrate that he/she is licensed by the FCC to operate a communications tower and/or communications antenna.
- C. All other uses ancillary to the antenna, tower, and associated equipment are prohibited (except accessory equipment buildings). This includes, but is not limited to, business offices, maintenance depots and vehicle storage.
- D. Other standards of approval for antenna support structures and antenna-related facilities include the following:
1. Setbacks
    - a. Antenna support structures shall be set back from all property lines a distance equal to the height of the antenna.
    - b. The structure shall be self-collapsing or have a clear fall area setback equal to the height of the structure and any attached antennas.
    - c. Antenna support structure height
    - d. 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.
    - e. 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.
  2. Landscaping and screening
    - a. 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.
    - b. 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 (*Municipal 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.

- c. 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.
3. Parking. At least two off-street parking spaces shall be provided.
4. Security, maintenance, and fencing
- a. The site shall be secured by a fence with a minimum height of eight feet to limit accessibility by the general public.
  - b. All guy wires shall be clearly marked so as to be visible at all times and shall be located within the fence enclosure.
  - c. All equipment and buildings shall be constructed and maintained in accordance with the applicable Building Code.
5. Lighting and signs
- a. 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.
  - b. 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 name)* shall be required.
  - c. 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.
  - d. 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.
6. Other:
- a. 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.

- b. A formal land development plan is not required if the antenna is to be mounted on an existing structure.
  - c. 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.
  - d. The applicant, owner, or operator of the antenna shall be licensed by the Federal Communications Commission.
  - e. The tower shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and zoning regulations.
  - f. 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.
7. Abandonment:
- a. 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.
  - b. Any antenna support structure or antenna that is deemed to be “abandoned” must be removed within 90 days.
  - c. 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 name)* regarding the removal of an abandoned antenna support structure, as herein defined.
  - d. In the case of multiple operators sharing the use of a single tower, this provision shall become effective when all users cease operation.

***Concentrated Animal Feeding Operation (CAFO)***

- A. The parcel of contiguous land owned by the owner of a CAFO shall be and remain in accordance with the lot requirements of the Nutrient Management Act. 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 *(Municipality name)* subdivision approval.
- 1. Irrespective of the provisions of this section, any CAFO 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 name)* and shall be subject to the following limitations:
    - a. The gross floor area of buildings housing such livestock shall not be expanded to more than double the gross floor area housing such livestock.

- b. 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), as reenacted and amended.
2. Any building constructed after the date of the enactment of this chapter to house animals in a CAFO operation must maintain the following setbacks:

  - a. From a dwelling not owned by the owner of the CAFO, 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.
  - b. From a property line: 100 feet.
  - c. Buildings housing animals shall not be located within the floodplain.
  - d. From a well not owned by the owner of the CAFO 100 feet.
3. 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 CAFO 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.
4. The owner of the CAFO 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.
5. The CAFO must establish and maintain compliance at all times with the requirements of the Pennsylvania Nutrient Management Law.
6. The CAFO 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 Agriculture.



7. The owner of the property on which a building to house animals in a CAFO 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 name*) 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:
  - a. Such storage is of materials utilized in conjunction with the agricultural use of the property.
  - b. At least 50% of the gross floor area of the building is utilized for such storage purposes.

***Convenience or Grocery Stores***

- A. The minimum lot size shall conform to the zoning district regulations.
- B. All height, setback and coverage standards shall be in accordance with the zoning district in which the use is located.
- C. 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.
- D. Driveway locations shall be in accordance with Section this Ordinance. Minimum setback for access drives shall meet the following standards:
  1. From the intersection of street right-of-way lines: 40 feet;
  2. From the side lot line: 10 feet;
  3. Minimum width of access drive: 12 feet;
  4. Maximum width of access drive: 35 feet;
  5. Minimum separation of drives on same lot: 25 feet.
- E. 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:
  1. Pumps: 40 feet;
  2. Building: 50 feet;
  3. Canopies: 35 feet.
- F. Motor vehicles shall not be permitted to be parked on sidewalk areas.
- G. Minimum setback of fuel pumps from parking areas shall be 20 feet.

- H. 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.
- I. Outdoor lighting shall be in accordance with this Ordinance.
- J. Fuel delivery shall not impede traffic-flow patterns.

***Distilleries, Breweries, Microbreweries***

- A. The applicant shall provide a detailed written description of the proposed use in each of the following topics:
- B. 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;
- C. 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;
- D. 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;
- E. A traffic impact report prepared by a professional engineer, according to Section \_\_\_\_\_ of the (*Municipality name*) Subdivision and Land Development Ordinance.

***Domesticated Keeping of Farm Animals***

- A. 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:
  - 1. Animals less than 10 pounds: A twenty-five foot (25') setback;
  - 2. Animals between 10 and 65 pounds: A fifty foot (50') setback;
  - 3. Animals greater than 65 pounds: A fifty foot (50') setback;
- B. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
- C. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals.
- D. All manure management practices and operations shall comply with the provisions set forth in the Pennsylvania Manure Management Act, as amended

- E. All animals, their housing, and their outdoor pasture/recreation areas shall be maintained so as not become a nuisance to adjoining properties;

***ECHO Housing***

- A. The ECHO Housing may not exceed nine hundred (900) square feet of floor area;
- B. 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;
- C. 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;
- D. The ECHO Housing shall be occupied by a maximum of two (2) people;
- E. Utilities
  - 1. 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
  - 2. 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 name)* On-Lot Sewage Management Ordinance.
- F. 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;
- G. 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.

***Event Center/ Special Occasion Home***

- A. Special occasion functions may be conducted on the grounds surrounding the home and in buildings accessory to a residential home.
- B. Catered food service from a licensed facility is permitted without additional licensing requirements.
- C. The use of a residential dwelling for a special occasion home must be approved by the *(Municipality name)* Sewage Enforcement Officer and the system upgraded if necessary.
- D. 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.

- E. 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 the applicable building, safety and fire codes of the federal, state or local government.

***Flag Lot Residences***

- A. 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;
- B. 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;
- C. Requirements for the Flag
  - 1. The minimum lot area and lot width requirements of the (*Municipality name*) Zoning Ordinance shall be measured exclusively upon the flag.
  - 2. For purposes of determining required yards and setbacks, the following shall apply:
    - a. 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;
    - b. 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,
    - c. 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.
  - 3. 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.

4. 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;

D. 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.

***Funeral Home, Mortuary and/or Crematorium***

- A. 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,
- B. Parking shall be designed to prevent traffic backups onto adjoining roads.
- C. A one hundred foot off-street stacking area for the formation of the funeral procession shall be provided on the site.
- D. No funeral procession will be allowed to form on public streets.

***Golf Courses***

- A. 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;
- B. All gold course buildings shall be set back seventy-five (75’) from any adjoining roads and one hundred feet (100’) from adjoining residential structures or parcels;
- C. 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:
  1. Clubhouse, which may consist of:
    - a. Restaurant, snack bar, lounge, and banquet facilities;
    - b. Locker and restrooms;
    - c. Pro shop
    - d. Administrative offices;
    - e. Golf cart and maintenance equipment storage and service facilities;

- f. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms;
  - g. Game rooms, including card tables, billiards, ping-pong, video games, pinball machines, and other similar table games; and,
  - h. Babysitting rooms and connected fence enclosed play lots.
2. Accessory recreation amenities located outside of a building, including:
- a. Driving range, provided that the applicant shall furnish expert evidence that all lighting has been arranged to prevent glare on adjoining properties and streets;
  - b. Practice putting greens;
  - c. Swimming pools;
  - d. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;
  - e. Bocce ball, croquet, shuffleboard and horseshoe pits;
  - f. Picnic pavilions, picnic tables, park benches, and barbecue pits;
  - g. Hiking, biking, horseback riding, and cross-country ski trails; and,
  - h. Playground equipment and play lot games, including 4-square, dodge ball, tetherball, and hopscotch
3. Freestanding maintenance equipment and supply buildings and storage yards.
- a. 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;
  - b. 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;
- D. 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.
- E. 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.
- F. 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.
- G. The construction of a golf course shall be considered a “development” and subject to all appropriate requirements of the (*Municipality name*) and Subdivision and Land Development Ordinance.
- H. All applicants shall submit plans to the Municipal Engineer and the (*County name*) 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;
- I. Runoff controls for herbicides, pesticides, fungicides, and fertilizer, and plans for disposal of the containers for those items;
1. Water use plan, including emergency condition usage;
  2. Wastewater treatment and disposal plan;
  3. Traffic study. A traffic study shall be submitted by the applicant in accordance with the (*Municipality name*) Subdivision and Land Development Ordinance. The traffic study shall include at a minimum the following study elements:
    - a. Mosquito control; and
    - b. 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.
- J. 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.
- K. 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 the *(Municipality name)* Subdivision and Land Development Ordinance. The number of required parking spaces shall be the amount required for the golf course plus accessory uses.

***Heavy Equipment Sales, Service and/or Repair Facilities***

- A. All service and/or repair activities shall be conducted within a completely enclosed building;
- B. All exterior storage and/or display areas shall be screened from adjoining land within the (LDR), (MDR), (HDR) and (Village/ Mixed Use). 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;
- C. The storage of junked vehicles, boats, machinery, trucks, trailers, manufactured houses and heavy equipment vehicles on the property is prohibited;
- D. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining land within the (LDR), (MDR), (HDR), or (Village/ Mixed Use) Zones;
- E. All vehicles shall be repaired and removed promptly from the premises.
- F. 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.

***Helistop***

- A. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- B. 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.
- C. The proposed helistop would not be detrimental to the health, welfare and safety of the *(Municipality name)* residents and their property.
- D. 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.
- E. 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.
- F. 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.

- G. The helistop shall be used only for personal or executive use by a firm or individual.
- H. No helicopter over six thousand (6,000) pounds gross weight shall use any helistop.
- I. The helistop shall be located a minimum of one thousand (1,000) feet from any dwelling unit.
- J. It shall be unlawful for any person to land, discharge, load or take off in a helicopter in any place within (*Municipality name*) 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 name*) 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.

***Historic Structure Conversions***

- A. The new use shall be permitted by right, conditional use or special exception in the zone in which the historic structure is located.
- B. 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.
- C. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.
- D. The applicant shall obtain any necessary land development approvals.
- E. All off-street parking and/or loading areas shall be screened from adjoining residences.
- F. 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.
- G. Historic Restaurant Conversions: Historic restaurant conversions shall not involve drive thru restaurant operations.
  - 1. All restaurant seating shall be provided within the completely-enclosed building, except that limited exterior seating maybe provided if:
    - a. Such seating is situated and designed so as not to adversely impact nearby residences.
    - b. Such seating is accessory to the principal interior seating accommodations.

- c. During use, such seating is continuously supervised by an employee or owner of the restaurant.
  - d. Any lighting or music systems servicing such seating is designed and operated so as not to constitute a nuisance to adjoining properties;
  - e. The applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating.
  - f. Such seating is removed during seasons when not in use.
2. 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.
- H. Historic Office Conversions are permitted and must follow the same criteria as Historic Conversion Apartment.

***Home Improvement and Building Supply Center***

- A. If the subject property contains more than two (2) acres, it shall front along an arterial or collector road;
- B. 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;
- C. 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;
- D. All exterior retail sales areas shall include a dust-free surface.
- E. All exterior storage and retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining residential properties
- F. 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.
- G. Any drilling, cutting, sawing, mixing, crushing or other preparation of building materials, shall be conducted within a completely enclosed building.

### ***Home Occupations***

- A. 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.
- B. 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.
- C. 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.
- D. One off-street parking space shall be required per non-resident employee.
- E. The use shall not require delivery or pickup by tractor-trailer trucks.
- F. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
- G. 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.
- H. 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.
- I. Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
- J. A barber or beauty shop shall not include any non-resident employees.
- K. The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
- L. See Home Occupation Sign requirements in the Sign Regulations Article in this ordinance.
- M. The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
- N. Retail sales shall be limited to sales that are clearly accessory to the primary residential use.
- O. 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.

### ***House of Worship and Related Uses***

- A. Minimum lot area: As required by underlying zoning district.
- B. Minimum lot width: Two hundred feet (200’).

- C. Side yard setback: Fifty feet (50') on each side.
- D. Rear yard setback: Fifty feet (50'.)
- E. Front yard setback: Fifty feet (50').
- F. 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 zoning district, except that any number of persons of a convent and/or seminary may share group quarters.
- G. 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 zoning district 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.
- H. 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.

***Hunting, Fishing, Boating, and Ski Lodges***

- A. All off-street parking shall be set back at least thirty feet (30') from any adjoining land.
- B. 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;
- C. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
  - 1. 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.
  - 2. One (1) sign, not to exceed ten (10) square feet, shall be permitted.

***Junkyards***

- A. 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 also meet the buffer yard requirements of this ordinance which shall be properly maintained.
- B. All structures shall be set back at least fifty (50') from all property lines
- C. No material may be stored or stacked so that it is visible from adjoining properties and roads.
- D. Proof of compliance with all Federal and State laws shall be provided.
  - 1. No junk shall be stored, stacked or arranged to impede access by firefighting equipment and to prevent the accumulation of water. Documentation shall be reviewed with consultation of the appropriate Emergency management personnel.
- E. No materials shall be burned at any time.
- F. 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.
- G. No junkyard storage area shall be located on land with a slope in excess of five percent (5%).
- H. All junked vehicles shall be emptied of fuel, oil and other petroleum products, air conditioning fluid, anti-freeze, and batteries.
- I. A background water quality report shall be provided to provide baseline water quality at the time of development.

***Medical Marijuana***

*Recommended as a standalone model ordinance which addresses this use in greater detail. See [TCRPC Model Medical Marijuana Ordinance](#)*

- A. Demonstrate compliance with the criteria in the standalone model ordinance.

### ***Mini-Warehouses***

- A. 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.
- B. If a manager/business office is established on the site, at least four parking spaces must be provided adjacent to the office.
- C. The servicing or repair of stored equipment shall not be conducted on the premises.
- D. No business activities, other than rental of storage units, shall be conducted on the premises.
- E. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.
- F. 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.
- G. All access drives, parking and loading areas must be paved and shall be mud free.
- H. 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;
- I. 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 (LDR), (MDR), (HDR) or (Village/ Mixed Use) districts and adjoining roads, and is located behind the minimum front yard setback line.
- J. 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;
- K. Auctions or garage sales are prohibited.
- L. Commercial, wholesale or retail sales are prohibited.

### ***Manufactured/Mobile Home Parks***

- A. A Manufactured/ Mobile Home Park shall only include homes of single or multiple widths, but shall not include travel trailers or motor homes.
- B. Any parcel to be used as a Manufactured/ Mobile Home Park shall have a minimum tract area of twenty-five (25) acres.
- C. The total number of lots in a Manufactured/ Mobile Home Park shall not exceed a maximum density of six homes per adjusted tract area.



D. Yard and area regulations:

1. No Manufactured/ Mobile Home or other primary building may be located closer than 35 feet (35') to any boundary of the Manufactured/ Mobile Home Park, regardless of whether the boundary abuts a lot, water body, road or other right-of-way.
2. All Manufactured/ Mobile Home lots shall have a minimum lot size of 5,000 square feet.
3. No individual Manufactured/ Mobile 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.
4. The maximum coverage of any individual Manufactured/ Mobile Home lot by all primary and accessory buildings and structures, including covered patios and decks, shall not exceed forty percent (40%).

E. Minimum structure setbacks:

1. Front yard: In no case shall a Manufactured/ Mobile 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 Manufactured/ Mobile home or accessory building shall be located closer than five feet to any side or rear lot line.
3. Manufactured/ Mobile Home structures and areas attached shall be separated from each other and other buildings at their closest points by a minimum of twenty feet (20').

F. The development of all Manufactured/ Mobile Home Parks shall conform to the (*Municipality name*) Subdivision and Land Development Ordinance.

***Off-Track Betting Parlors/ Mini-Casino***

- A. 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.
- B. No off-track betting parlor shall be located within one thousand feet (1,000') of any land within the (LDR), (MDR), (HDR), or (Village/ Mixed Use) Zones.
- C. 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:
  1. Amusement park
  2. Camp (for minors' activity)
  3. Child care facility
  4. Church or other similar religious facility
  5. Community center

6. Museum
  7. Park
  8. Playground
  9. School
  10. Other lands where minors congregate
- D. The distance between any two off-track betting parlors shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any off-track betting parlor and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the off-track betting parlor to the closest point on the property line of said land use.
  - E. No more than one (1) off-track betting parlor may be located within one building or shopping center.
  - F. 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.
  - G. 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,
  - H. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.
  - I. Off-street parking shall be provided at the rate of one (1) space per each sixty-five (65) square feet of gross floor area, including related dining, restaurant and snack bar areas.
  - J. All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to non-primary locations.

### ***Outdoor Recreation***

- A. Parking shall be required as shall be determine to be necessary for the use and site by the (*Municipal Governing Body*).
- B. A buffer yard of 30 feet in width and a screen planting, of a height and type as approved by the (*Municipal Governing Body*) shall be provided.
- C. 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.
- D. 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

***Power Generation Facilities (Not including Solar or Wind)***

- A. 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.
- B. Outdoor storage and waste disposal.
  - 1. 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.
  - 2. 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.
- C. Landscape requirements:
  - 1. 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 name*) Subdivision and Land Development Ordinance. Where conflict exists between this Ordinance and the (*Municipality name*) Subdivision and Land Development Ordinance with regards to landscape requirements, the most restrictive shall apply.
  - 2. Suitable planting and landscaping shall be provided in areas required as setback under the provisions of this Article.
  - 3. Landscaping is not required for side and rear property lines behind the front building setback line for property abutting other industrial zoned property.
  - 4. Parking shall not be permitted in the landscape setback abutting any street.
- D. 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.

***Private Club***

- A. Parking lots shall be screened from any lot lines of adjoining residences.
- B. All outdoor recreation/activity areas shall be set back at least fifty (50') from any property line.
- C. Screening shall be provided in accordance with the buffer yard requirements in this ordinance.
- D. 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.

### ***Public Utility Buildings and Structures***

- 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.

### ***Quarry***

- A. 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 fencing and landscaping.
  - 7. A contour map showing cross sections of any proposed quarry area, including a detailed hydrogeologic groundwater study based on complete site studies.

- B. 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 (*Municipal Governing Body*) or Zoning Hearing Board.
- C. 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 name*) when it is submitted to the Department of Environmental Protection.
- D. 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.
- E. 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.
- F. 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*) a hydrogeological study performed by a qualified hydro geologist 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.
- G. 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.
- H. 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.
- I. Sufficiently long vehicle-stacking lanes into the facility shall be provided so that waiting vehicles to be weighed will not backup onto public roads.
- J. 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.

- K. The facility shall front upon, and gain access from, an arterial or collector, as defined in the *(Municipality name)* Comprehensive Plan, as amended or Subdivision and Land Development Ordinance.
- L. 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 name)* Subdivision and Land Development Ordinance.
- M. If the traffic study demonstrates that improvements to *(Municipality name)* 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.
- N. 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.
- O. The operator shall provide *(Municipality name)* with copies of any notices of violation received from the Pennsylvania 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.
- P. 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.
- Q. 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 name)* 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 name)* 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 name*) Building Construction Code and all other state and federal regulations applicable to the types of storage stated in this subsection.
- R. 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.
  - S. 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.
  - T. 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.
  - 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 name*) 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, berm work, 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 name*) 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.

### ***Racetracks***

- A. The minimum setbacks of all structures from public roads shall be 100 feet.
- B. 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.
- C. 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 name*) Comprehensive Plan. Traffic shall not be directed through residential subdivisions or residential streets.
- D. Off-street parking shall be provided at a minimum of one space for each three patrons or seats.
- E. Any lighting provided at such facilities shall be subject to the provisions of this Ordinance regarding outdoor lighting of the (*Municipality name*) Zoning Ordinance.
- F. 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.

- G. Appropriate mitigation measures shall be implemented to ensure noise shall not exceed harmful levels at the closest sensitive receptor(s) to the racetrack (i.e. dwelling, school, church, etc.).
- H. Hours of operation of the racetrack shall be between 10:00 a.m. and 10:00 p.m.

***Recycling Center***

- A. All operations, including collection shall be conducted within a completely-enclosed building.
- B. There shall be no outdoor storage of materials processed, used or generated by the operation.
- C. 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.
- D. The applicant will be required to assure regular maintenance of the site to immediately collect stray debris.

***Restaurant w/Bar /Nightclub***

- A. 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.
- B. 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.
- C. A working plan for the cleanup of litter shall be furnished and implemented by the applicant
- D. 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

***Riding School/ Stable***

- A. 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.
- B. 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:
  1. The building shall not be erected or maintained within 300 feet of any lot line and 75 feet from any public or private road.
  2. The building shall not be less than 200 square feet in size for each equine animal.
- C. 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.

- D. 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.
- E. 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.

***Sawmill***

- A. No material shall be deposited or stored, and no building or structure shall be located within five hundred feet (500') of any property line.
- B. 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.
- C. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting will not back up onto public roads.
- D. 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;
- E. Litter/ debris control shall be exercised to prevent the scattering of wind-borne materials, and a working plan for the cleanup of litter/ debris shall be submitted to (*Municipality name*).
- F. 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.

***School, All Types (School, Private and Public, Primary or Secondary, or Vocational)***

- 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. Whether or not located on a State highway, applicants are to use the guidelines and policies outlined in PennDOT Publication 282, Highway Occupancy Permit Operations Manual, to project future traffic volumes and demonstrate that appropriate mitigation measures can be implemented so that level of service is not degraded. The study area of the traffic analysis shall be determined

in cooperation with PennDOT, the municipality, and applicable Metropolitan Planning Organization (MPO) as appropriate.

- C. Passenger “drop-off” areas shall be provided and arranged and be of sufficient size so that passengers do not have to cross traffic lanes on or adjacent to the site.

***Shotgun, Rifle, Pistol and Archery Ranges: Outdoor***

- A. Minimum lot area: 10 acres.
- B. Minimum lot width: 300 feet.
- C. 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.
- D. 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:
  - 1. 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.
  - 2. 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.
  - 3. 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.
- E. Only targets mounted on target posts shall be permitted. No targets of any kind shall be set directly on the ground.
- F. Adult supervision must be provided for children under 16 years of age.
- G. Shooting Range Operations:
  - 1. May not damage the health, safety or welfare of the (Municipality) or its residents and property owners;
  - 2. Must comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm;
  - 3. 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;
  - 4. Shall limit the number of active shooters to the number of firing points or stations identified on the development plan;
  - 5. Alcohol beverages are prohibited.

- H. 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;
- I. 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!"
- J. 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;
- K. 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;
- L. Sound abatement shields or barriers shall be installed on shooting ranges;
- M. No part of a shooting range property shall be located within one-quarter (1/4) mile of any land within the (LDR) districts.

***Slaughterhouse, Stockyard or Tannery***

- A. Minimum Lot Area: Five (5) acres;
- B. The subject site shall have access to a collector or arterial road;
- C. 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;
- D. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding;
- E. 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;
- F. 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;
- G. 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;
- H. 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;
- I. The loading and unloading of trucks shall be restricted to the hours between 8 a.m. and 6 p.m.;

- J. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within three hundred feet (300') of any property line.
- K. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties in accordance with the buffer yard requirements of this ordinance.
- L. 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.
- M. 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;
- N. The applicant must demonstrate written compliance with and continue to comply with, all applicable local, State and Federal standards and regulations;
- O. 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;
  - 1. 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;
  - 2. 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,
  - 3. The applicant shall furnish a traffic impact report prepared by a professional engineer in accordance with the (*Municipality name*) Subdivision and Land Development Ordinance.

***Solar Facilities***

*Recommended as a standalone model ordinance which addresses this use in greater detail. See [Solar Energy Systems Model Ordinance](#)*

- A. Demonstrate compliance with the criteria in the standalone model ordinance.

***Solid Waste Processing and/or Disposal Facilities***

- A. The applicant shall obtain all required 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 (*Municipal Governing Body*) or Board of Zoning Appeals.

- B. 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 (*Municipal 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 name*) when it is submitted to the Pennsylvania Department of Environmental Protection.
- C. 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.
- D. The operator shall provide the (*Municipality name*) 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.
- E. The minimum lot area shall be 50 acres for solid waste disposal facilities and 10 acres for solid waste processing facilities.
- F. The Solid waste facility 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 also meet the buffer yard requirements of this ordinance which shall be properly maintained.
- G. A background water quality report shall be provided to provide baseline water quality at the time of development.
- H. Whether or not located on a State highway, applicants are to use the guidelines and policies outlined in PennDOT Publication 282, Highway Occupancy Permit Operations Manual, to project future traffic volumes and demonstrate that appropriate mitigation measures can be implemented so that level of service is not degraded. The study area of the traffic analysis shall be determined in cooperation with PennDOT, the municipality, and applicable Metropolitan Planning Organization (MPO) as appropriate.
- I. 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.
- J. 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.
- K. The applicant shall submit an operating schedule to (municipality) for review by the Zoning Officer.
- L. 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 name*) Zoning Officer or other authorized municipal official.



- M. All municipal waste awaiting recycling or resource recovery shall be stored within an enclosed area bounded by solid walls or fences.
- N. A three-hundred-foot setback shall be maintained between the solid waste and disposal processing center and property lines.
- O. 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.

***Tiny Home Village***

- A. The Tiny Home shall have a minimum of 150 square feet and a maximum of 400 square feet of habitable floor area.
- B. The Tiny Home must be served by water and sewer. Connection to public water and/or sewer shall conform to the regulations of the authority responsible for each utility. If Public Water and/or sewer is unavailable the tiny home shall be physically connected to a sewage disposal and water supply system that does not exceed the total number of occupant’s maximum capabilities for which the system was designed. Any connection to and/or expansion of an individual on-lot sewage disposal system shall be reviewed by the municipal sewage enforcement officers and the applicant shall present evidence of such review and all necessary approvals.
- C. The Tiny Home shall provide one (1) off street parking space.
- D. The maximum density of the underlying zoning district may not be exceeded
- E. The setback requirements as a principal or accessory use of the underlying Zoning district shall be met.
- F. A Tiny Home, placed as an accessory Dwelling unit shall not be counted as a dwelling unit or lot in the computation of the maximum number of dwellings which may be erected or lots which may be subdivided from a parcel in the Agricultural District.
- G. Based on Building type and occupancy of the Tiny Home, a certificate of occupancy permit is based on approval under the following building code requirements: UCC building codes, HUD building codes, NOAH or RV Building Codes.
  - 1. Tiny Home on Foundations
    - a. Regulated by the Uniform Construction Code (UCC): ‘*Stick-built*’ deeded single family dwellings requiring inspection of mechanical, electrical, plumbing rough-in inspections during field site phases of construction. The minimum habitable space under the current UCC Code is 150 square feet (sf) with minimum ceiling heights in habitable spaces
  - 2. Regulated as a temporary living space by the **Recreational Vehicle Industrial Association** [[rvia.org](http://rvia.org)]. RVIA is a national trade organization that exists to promote the RV industry as well as adopt and enforce safety standards for participating RV manufacturers. They define an RV in part as “a vehicle designed as temporary living quarters for recreational, camping, travel, or seasonal use...” Not included in their RV definition are manufactured housing for

long term residences (manufactured and modular housing). RVIA does maintain an inspection and certification program but would only apply to Tiny Homes on Wheels as temporary, not permanent living quarters. Therefore, municipalities may not require certification by RVIA for Tiny Homes on Wheels used for permanent occupancy or any Tiny Homes on Foundations.

***Truck Stop/Terminal***

- A. The subject property shall have a minimum of three hundred feet (300') of road frontage along an arterial road;
- B. The subject property shall be located no closer than fifteen hundred feet (1500') from a (LDR), (MDR), (HDR) or (Village/Mixed Use) districts and/or property containing a school, daycare facility, park, playground, library, hospital, or nursing, rest or retirement home;
- C. Air compressors, fuel pump islands and kiosks and other structures may not be within fifteen (15') of the street ROW line.
- D. 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;
- E. 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.
- F. 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;
- G. 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;
- H. 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;
- I. The outdoor storage of unlicensed vehicles is prohibited.
- J. All vehicles and machinery shall be repaired and removed from the premises promptly;
- K. 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;
- L. 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;
- M. The applicant shall submit a traffic impact report as governed by the (*Municipality name*) Subdivision and Land Development Ordinance.

- N. 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,
- O. Minimum lot size is 10 acres.

***Warehouse and/or Distribution Center***

- A. Whether or not located on a State highway, applicants are to use the guidelines and policies outlined in PennDOT Publication 282, Highway Occupancy Permit Operations Manual, to project future traffic volumes and demonstrate that appropriate mitigation measures can be implemented so that level of service is not degraded. The study area of the traffic analysis shall be determined in cooperation with PennDOT, the municipality, and applicable Metropolitan Planning Organization (MPO) as appropriate.
- B. The applicant shall also conduct a review of the 5-year crash history for the area identified above and demonstrate that appropriate crash mitigation measures can be implemented in areas of concern so that safety is not degraded.
- C. The availability of adequate water and wastewater facilities shall be demonstrated including water needed for emergency service demands.
- D. Adequate areas shall be shown to accommodate best management practices to handle the storm water generated through large impervious areas.
- E. The ability to provide buffer areas meeting municipal standards shall be demonstrated.
- F. Lighting is to be shielded to prevent light from illuminating adjoining properties

***Wind Energy Facility***

*Recommended as a standalone model ordinance which addresses this use in greater detail. See Wind Energy Facilities Model Ordinance*

- A. Demonstrate compliance with the criteria in the standalone model ordinance.

## **OFF-STREET PARKING AND LOADING REGULATIONS**

### ***General Parking Regulations***

- A. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, 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 space shall not be deemed to be part of the open space of the lot on which it is located.
- 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 or building requirements.
  - 2. In the case of multifamily 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.
- D. No part of any required front yard shall be used for off-street parking requirements in residential districts as set forth herein except for that part of the front yard that is occupied by a driveway. A driveway shall be limited in width to 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 Chapter must be located on the lot area, unless the applicant meets the requirements of Joint Parking Facilities.

**Off-Street Parking Requirements**

The following off-street parking requirements shall be maximum standards for uses.

<b>Maximum Required Parking</b>		<b>Required Bicycle Parking (Min)</b>
<b>Residential</b>		
Apartment	2 Spaces	Equal to 10 percent of vehicle parking spaces provided with a minimum of 3 spaces
Flag Lot Residence	2 Spaces	Exempt
Group home or halfway house, Personal care and nursing care centers, Rooming and boarding houses	1 space/4 beds	Equal to 10 percent of vehicle parking spaces provided with a minimum of 3 spaces
Multi Family Dwellings	2 spaces	Equal to 10 percent of vehicle parking spaces provided with a minimum of 3 spaces
Rural Residential Development	2 Spaces	Exempt
Single Family Attached Dwelling	2 spaces	Exempt
Single Family Detached Dwelling	2 Spaces	Exempt
Single Family Semi-Detached Dwelling	2 Spaces	Exempt
Tiny Home Village	2 Spaces	Equal to 10 percent of vehicle parking spaces provided with a minimum of 3 spaces
Town House	2 Spaces	Equal to 10 percent of vehicle parking spaces provided with a minimum of 3 spaces
Two Family Detached Dwelling	2 Spaces	Exempt
<b>Commercial/ Office</b>		
Automotive repair, maintenance and gasoline stations, Auto sales, Car wash	2 spaces/ garage bay + retail requirement (2 spaces/1000 SF GFA sales area, no requirement for outdoor sales)	Exempt

Banks, business/office buildings, retail, grocery stores	2 spaces/1000 SF GFA	Equal to 5 percent of vehicle parking spaces provided with a minimum of 3 spaces
Convenience stores	4/1000 SF GFA (average store size 2,500 -3,000 SF retail area)	Equal to 5 percent of vehicle parking spaces provided with a minimum of 3 spaces
Funeral homes	1/4 seats total seating capacity	Exempt
Hotels, motels and bed and breakfasts	1 space/room (plus 50% of restaurant requirement if applicable)	Equal to 5 percent of vehicle parking spaces provided with a minimum of 3 spaces
Kennel	1/15 boarded animals is the max, no additional for employees	Exempt
Medical and dental offices (including outpatient clinics) & veterinarians	3 spaces/doctor or dentist (maximum shift)	Exempt
Restaurants, Bars, Brewpub, Distillery, Winery	1/4 seats; 3 spaces for a restaurant without customer seats	Equal to 5 percent of vehicle parking spaces provided with a minimum of 3 spaces
<b>Recreational</b>		
Golf course	40 per 9 holes, and 50% of restaurant or retail rate	Exempt
Outdoor recreational facilities, sports arenas,	1 space/ 4 seats	Equal to 10 percent of vehicle parking requirements with a minimum of 5 spaces
Auditorium, theatres and assembly halls, Community buildings and social halls	1 space/ 4 seats	Equal to 10 percent of vehicle parking requirements with a minimum of 5 spaces
<b>Industrial</b>		
Manufacturing plants, research or testing laboratories.	1 space/3,000 SF GFA	Equal to 5 percent of vehicle parking spaces provided with a minimum of 3 spaces
Mini or self-storage	1/20 units	Exempt
Wholesale establishments or warehouses	1 space/3,000 SF GFA	Equal to 5 percent of vehicle parking spaces provided with a minimum of 3 spaces
<b>Institutional</b>		

Churches and religious institutions	1 space/4 seats	Equal to 10 percent of vehicle parking requirements with a minimum of 5 spaces
Colleges, universities, or business, technical or fine arts schools	1/3 students design capacity	Equal to 10 percent of vehicle parking requirements with a minimum of 5 spaces
Community buildings and social halls	1 space/4 seats max occupancy	Equal to 10 percent of vehicle parking requirements with a minimum of 5 spaces
Day care centers	1/5 students design capacity	Equal to 10 percent of vehicle parking requirements with a minimum of 5 spaces
Elementary and middle schools	1/7 students design capacity	Equal to 10 percent of vehicle parking requirements with a minimum of 5 spaces
High schools	1/3 students design capacity	Equal to 10 percent of vehicle parking requirements with a minimum of 5 spaces
Hospitals	1space/3 beds	Equal to 10 percent of vehicle parking requirements with a minimum of 5 spaces

- A. Vehicle parking maximums for uses not included in the chart above shall be based on actual parking demand as demonstrated by a certified traffic engineer and include proof of actual average and peak parking rates from a facility deemed to be comparable and acceptable to the municipality. Bicycle parking requirements should be based on the most similar use from the table above.
- B. Any request to exceed the parking maximums listed above must be submitted by a certified traffic engineer and include proof of actual average and peak parking rates from a facility deemed to be comparable and acceptable to the municipality.
- C. The Municipality may approve a request to exceed the parking maximums established herein under the following circumstances:
  - 1. Parking up to 25% above the parking maximum with a reduction in stormwater peak runoff volume to 75% of pre-development condition
  - 2. Parking up to 50% above the parking maximum with a reduction in stormwater peak runoff volume to 50% of pre-development condition
  - 3. Parking up to 75% above the parking maximum with a reduction in stormwater peak runoff volume to 25% of pre-development condition
  - 4. In no case shall a parking allowance be granted that exceeds the parking maximums greater than 75%



5. In the case of a proposed parking garage, as opposed to surface parking, an allowance of up to 75% above the parking maximums may be allowed without a reduction in storm water peak runoff volume
  6. Parking spaces approved beyond those shall be located behind the front face of the building (not in the front yard area)
- D. Storm water runoff volume reductions may be provided for off-site, but in the same watershed if such facilities are consistent with municipal Pollution Reduction Plans or other applicable storm water plans and accepted for dedication by the municipality
  - E. If an agreement is reached with the transit provider for the development of a park & ride facility that is integrated into the transit system, such parking spaces will not be included in the parking maximum calculations
  - F. Any request to provide off-street parking that is less than 50% of the parking maximum values established herein shall be accompanied by proof of actual average and peak parking rates from a facility deemed to be comparable and acceptable to the municipality and be submitted by a certified traffic engineer.
  - G. The parking area must remain under the control of the owner or operator of the use to which the parking area is appurtenant and shall be recorded as a deed restriction, irrevocable license, easement or other recordable document in a form satisfactory to the municipal 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
  - H. 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 the Joint Parking Facilities.
  - I. Parking spaces shall be located within 350 feet of the primary entrance of the use served and adequate, safe and convenient pedestrian access shall be provided from the parking area to the use.
  - J. 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 Board, binding the owner and heirs or assigns to maintain the required number of parking spaces throughout the life of the principal use.

### ***Joint Parking Facilities***

- A. Joint parking facilities shall be allowed in the High Density Residential, Village/ Mixed Use, Commercial, Industrial and Institutional districts.
- B. Joint parking facilities shall be allowed subject to the following requirements.
- C. The nearest point of the parking lot shall be no further distance to the nearest point of the property served as provided below:
  1. Residential use: 100 feet.
  2. Commercial use: 200 feet.

3. Industrial use: 300 feet.
- D. The required parking shall be not more than the parking maximums established separately:
1. It shall be demonstrated that the uses jointly utilizing the parking facility are utilizing the same at different periods of the day or different days of the week.
  2. The parking area must remain under the control of the owner or operator of the use to which the parking area is appurtenant and shall be recorded as a deed restriction, irrevocable license, easement or other recordable document in a form satisfactory to the Township solicitor filed in the Dauphin 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.

***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 10 feet of open space between the edge of any parking area and the outside wall of any building.
  2. Parking lot dimensions shall be no less than those listed in the following table:

Angle of Parking	Parking Bay Width	Depth from Curb <sup>(*)</sup>	Aisle Width	
			One-Way	Two-Way
90 degrees	9 ft.	18 ft.	24 ft.	24 ft.
60 degrees	10 ft.	22 ft.	18 ft.	20 ft.
45 degrees	10 ft.	21 ft.	15 ft.	20 ft.
30 degrees	10 ft.	19 ft.	12 ft.	20 ft.

\*Depth from curb is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parked vehicles and not including any part of the drive.

3. All dead-end parking lots shall be designed to provide sufficient backup area for the end stalls of the parking area.
  4. 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. The width of the entrance and exit drives shall be a minimum of 18 feet for one-way use only, a minimum of 24 feet for two-way use; except where ninety-degree parking is used, in which case the minimum shall be not less than 24 feet; and a maximum of 35 feet at the street line.
- B. Setback for parking areas shall be provided as follows:
1. All parking spaces and access drives shall be at least 10 feet from any multiple dwelling, commercial, or industrial building on the lot.

2. All parking spaces and access drives shall be behind the building setback line; except where buffer yards are required in which case such parking spaces and access drives may not encroach on the buffer yard area.
3. Reduction in Width. The width of the parking area setback may be reduced to a minimum width of 10 feet if an enhanced landscape buffer is provided as follows:
  - C. The landscape buffer shall be planted with a combination of trees, shrubs, perennials, groundcovers, and grass.
    1. The landscape buffer shall be designed with a minimum 40% coverage in trees and large shrubs.
    2. Small shrubs, perennials, ornamental grasses, groundcover, and grass may constitute no more than 60% coverage of the landscape buffer.
    3. Landscape buffers shall have a minimum of one tree for every 25 linear feet of a landscape buffer to the nearest whole number.
    4. The required plant materials may be installed in the required area in any arrangement and do not need to be linear in design. Trees and shrubs required herein may be planted and spaced singly or in groups so long as the total number of plantings is achieved. Clumping is permitted provided that adequate spacing is allowed for future growth.
    5. Where street trees are permitted to be placed outside of the street right-of-way, said street trees are permitted to be included towards meeting the planting requirements for the adjacent buffer areas.
  - D. Landscape buffer coverage will be calculated as follows:
    1. Calculate the total spatial area required for the landscape buffer.
    2. Calculate the total coverage of landscape materials, ensuring that the coverage of trees and large shrubs is greater than or equal to 40% of the total area of the buffer. Areas provided provide some credit for the tree cover canopy at full growth. The following sizes shall be used when calculating coverage of the landscape materials:
      - a. Large deciduous trees at least 2 1/2 inches caliper at the time of planting, with an expected mature height of at least 30 feet: 150 square feet.
      - b. Small ornamental or under-story trees at least 1 1/2 inches caliper at the time of planting, with an expected mature height of at least 18 feet: 50 square feet.
      - c. Evergreen trees shall be at least six feet tall at the time of planting, with an expected mature height of at least 30 feet: 50 square feet.
      - d. Large shrubs at least 30 inches tall at the time of planting and at least five-gallon container size; mature height shall reach at least four feet: 16 square feet.
      - e. Small shrubs shall be at least 18 inches tall at the time of planting and at least three-gallon container size; mature height shall reach at least three feet: nine square feet.

- f. Ornamental grasses shall be at least three-gallon container size: five square feet.
  - g. Shrubs used as ground cover shall be at least one-gallon container size: three square feet.
  - h. "Ground cover" is defined as plantings to prevent soil erosion, and may include small shrubs, herbaceous perennials, meadows, grasses, bulbs and annuals. Plants shall be spaced appropriate to type and size at installation. Ground cover plants shall be spaced and seeding rates sufficient so the 100% of the beds are covered after three years growth.
  - i. Any exposed ground should be planted with a ground cover or an appropriate mulching material. Mulching materials shall not exceed four inches in height.
  - j. The remaining ground area shall be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.
  - k. A landscape architect licensed by the Commonwealth of Pennsylvania shall be retained to complete a landscape plan to ensure the proper species, use and arrangement of plant materials. Certification of plan, including signature, seal, and date is required.
- E. Accessible parking spaces shall be provided in accordance with the provision of the municipal Building Code and the Americans with Disabilities Act of 1990, as amended. The number of required off-street parking spaces under this chapter shall include both non-accessible spaces and accessible spaces within the calculation to meet the minimum number of off-street parking spaces required under this chapter.
- F. Any parking facility for a use qualifying as a high volume driveway in accordance with PennDOT HOP standards shall accommodate the movement of a public transit vehicle in coordination with the local transit provider.

***Electric Vehicle Charging Station Requirements***

- A. Electric Vehicle charging requirements must be met for all uses other than Single Family Dwelling units.
- B. Install electrical vehicle supply equipment (EVSE) in 2% of all parking spaces used by the project
- C. Clearly identify and reserve these spaces for the sole use by plug-in electric vehicles.
- D. The EVSE must:
  - 1. Provide a Level 2 charging capacity (208- 240 volts) or greater
  - 2. Comply with the relevant regional or local standard for electrical connectors, such as SAE Surface Vehicle Recommended Practice J1772, SAE Electrical Vehicle Conductive Charge coupler or IEC 62196 of the international Electro technical Commission for projects outside the U.S.
  - 3. Be networked or internet addressable and be capable of participating in a demand response program or time of use pricing to encourage off peak parking.

***Bicycle Parking Requirements***

- A. Bicycle racks shall be located in highly visible, with adequate lighting, from the street and/or building entrance.
- B. Bicycle parking shall be located in designated areas, which minimizes pedestrian and vehicle conflicts.
- C. If located along a street, parking shall be placed at a 2-foot minimum from the curb face to avoid dooring
- D. As applicable convenient and direct access from the bicycle and pedestrian networks to transit stations and stops shall be provided.
- E. In cases where Bicycle Parking Spaces are not visible from the primary street, signage shall be used to direct cyclists safely to bicycle parking areas.
- F. All Bicycle Racks and lockers shall be securely anchored to the ground or building structure.
- G. Bicycle Parking Spaces shall not interfere with pedestrian circulation and shall adhere to ADA requirements.
- H. Bicycle parking shall be an integral part of the overall site layout and designed to minimize visual clutter and provide parking opportunities across the site.
- I. For all development activity involving new construction, bicycle parking shall be provided as required in the table herein.

***Interior Parking Lot Landscaping***

The purpose of the required internal parking lot landscaping is to relieve or break up large expanses of paved areas.

- A. All proposed parking lots and existing improved parking lots exceeding 15 parking spaces are to provide permanent plant material within landscape islands, peninsulas, or medians in the interior of the parking lot.
- B. The proposed interior plantings shall not interfere with efficient safe circulation patterns of traffic within the parking lots.
- C. Interior landscaping shall be required for all parking lots over 15 spaces as follows:
  - 1. One planting island shall be required for every 15 parking spaces. There shall be no more than 15 contiguous parking spaces in a row without implementing a planting island.
  - 2. Landscape islands shall be required at the ends of all parking rows.
  - 3. Landscape islands or peninsulas shall have a minimum size of nine feet by 18 including curbing.

4. Each required Planting Island shall contain at least one shade tree. Shade trees with a minimum two inches — 2 1/2 inches caliper shall be evenly distributed throughout the parking lot to be planted.
- D. Screening and buffering of dumpster locations and loading areas are required. Minimum height of evergreen shrubs shall be 24 inches — 30 inches.
  - E. Landscaping required for the expansion of an existing parking lot are as follows:
    1. The owner or developer shall be required to provide landscaping for the proposed parking lot improvements and expansion.
    2. The owner/developer may reduce the size of landscape islands to a minimum of six feet by 18 feet when retrofitting an existing parking lot.
  - F. Separate parking areas on a parcel or development shall be physically separated from one another by eight-foot planting strips.
  - G. When the parking lot abuts a residential use or zone a five feet buffer area shall be provided contiguous to the property line of the residential use or zone in addition to the required setback and shall be planted.

***Drainage, Surfacing, and Maintenance Standards.***

- A. The area of the parking lots, including driveways, shall be graded, surfaced with asphalt or concrete and drained to the satisfaction of the Township 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.

**Lighting**

- A. All public parking shall be lit in accordance with the municipal Subdivision and Land Development Ordinance 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.

***Loading and Unloading Space***

- A. In addition to the off-street parking space required above, all commercial and industrial buildings, hospitals, and other similar uses shall provide adequate off-street area for loading and unloading of supplies to and from vehicles.
  1. At least one loading berth shall be provided; however, should the gross floor of the main building and building accessory thereto used for commercial and/or industrial purposes exceed 25,000 square feet, one additional loading berth shall be provided for each 25,000 square feet of gross floor area.

2. Hotels shall have at least one loading berth, with an additional loading berth when the gross floor area exceeds 50,000 square feet.
  - B. The off-street loading berth shall be not less than 10 feet wide, and 35 feet in length, and 14 feet in height, when covered.
  - C. No exterior portion of an off-street loading facility (including access drives) shall be located within 50 feet of any land within a residential zone or use. Off-street loading facilities shall be located on the face of the building not facing any adjoining land in a residential zone.
  - D. When the loading zone abuts a residential use or zone a five feet buffer area shall be provided contiguous to the property line of the residential use or zone in addition to the required setback and shall be planted
  - E. Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.



## **SIGN REGULATIONS**

### ***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 15b 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.

### ***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 name*) 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 name*) 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.
- 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;

***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.

***Miscellaneous Signs Not Requiring Permits. [See footnote at the end of the table.]***

**Table 1  
Signs Not Requiring Permits**

<b>Type and Definition of Signs Not Requiring Permits</b>	<b>Max. No. of Signs per Lot</b>	<b>Max. Sign Area per Sign* on a Residential Lot (Sq. Ft.)</b>	<b>Max. Sign Area per Sign* on a Non-Residential Lot * (Sq. Ft.)</b>	<b>Other Requirements</b>
<u>Athletic Field Signs</u> Such as those commonly found on the inside side of outfield walls / fences of baseball fields	N/A	N/A	N/A	Signs shall only be placed facing the ball field.
<u>Christmas Tree Sign</u> Advertises the seasonal sale of Christmas trees	2	8	20	Shall only be posted during seasons when such products are actively offered for sale
<u>Charitable Event Sign</u> Advertises a special event that primarily is held to benefit an established tax-exempt nonprofit organization	2	4	20	Shall be placed a maximum of 14 days prior to event and removed a maximum of 4 days after event
<u>Contractor's Sign</u> Advertises a building tradesperson, engineer or architect who is actively	1 per company working on the site	4	20	Shall only be permitted while such work is actively and clearly underway and a maximum of 4 days

conducting significant work on a particular lot that is not such person's place of business				afterward. Shall not be illuminated.
<u>Flag</u> A banner or pennant made of fabric or materials with a similar appearance that is hung from a pole in such a way to flow in the wind and that includes the words "Open" or some type of advertising message.	1	15	20	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.
<u>Garage Sale Sign</u> Advertises an occasional garage sale/porch sale or auction	1 per event	4	4	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.
<u>Home Occupation Sign</u> Advertises a permitted home occupation	1	2	2	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.
<u>Identification Sign</u> Only identifies the name and/or occupation of the resident/occupant and/or the name, street address and/or use of a lot, but that does not include other advertising	1	1	1	No freestanding sign permitted
<u>Open House Sign</u> Advertises the temporary and periodic open house of a property for sale or rent	2 per event	4	4	Shall be placed maximum of 4 days before open house begins, and be removed max. of 24 hours after open house ends.
<u>Political Sign</u> Advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern	Max. of 1 sign per candidate or issue	4	32	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. If a political sign does not meet these requirements, then it shall be regulated as an “off-premises sign.”
<u>Public Services Sign</u> – Advertises the availability of restrooms, telephone or other similar public convenience.	No max.	2	2	
<u>Real Estate Sign</u> – Advertises the availability of property on which the sign is located for sale, rent or lease.	1 per street that the lot abuts	4	15	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.
<u>Roadside Stand Sign</u> – for the sale of agricultural products upon a farm property	2 per farm	6	6	
<u>Service Organization/Place of Worship Sign</u> – 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	1	2	2	
<u>Special Sale Signs</u> – Temporary banners, flags and other signs that advertise a special sales event or grand opening at a lawful principal commercial business.	2 per lot	Not permitted	Total of 30 sq. ft. for all such banners, flags and other	Shall be displayed a maximum of 7 days per event. Such signs shall not flash or obstruct safe sight distances.

			temporary signs	
<u>Time and Temperature Sign</u> – With a sole purpose to announce the current time and temperature and any non-profit public service messages	1	Not permitted	30	Shall not include advertising. If includes advertising see signs permitted by zoning district.
<u>Trespassing Sign</u> – 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	No max.	2	2	

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.”

**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 name*) or \_\_\_\_\_ County, State or Federal agency.
- B. Holiday Decorations. Decorations that commemorate a holiday recognized by (*Municipality name*), 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 Commonwealth of Pennsylvania, (*County name*), (*Municipality name*) or other legally constituted governmental body, or specifically authorized by (*Municipality name*) 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 name*).
- F. Right-of-Way Sign. A sign posted within the existing right-of-way of a public street and officially authorized by the (*Municipality name*) or PennDOT.

**Freestanding, Wall and Window Signs. [See footnotes at the end of the table.]**

- A. The following signs are permitted within the specified zoning districts, in compliance within 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 the Definitions Article.

**Table 2  
Requirements for Freestanding, Wall and Window Signs**

<b>Zoning District or Type of Use</b>	<b>Maximum Total Height of Free-standing Signs</b>	<b>Maximum Area of Wall Signs</b>	<b>Maximum Area of Window Signs</b>	<b>Maximum Area and Number of Freestanding Signs</b>
Residential Districts, with these signs limited to allowed principal non-residential uses.	6 feet	20 sq. ft.	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.	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
VMU District* and C-1 District*	8 feet	15 sq. ft. per business	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.	One sign per lot with a maximum area of 12 sq. ft.**
C-2 District*	20 feet	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.	Temporary non-illuminated window signs are not regulated. Other window signs are regulated as wall signs.	One sign per lot with a maximum area of 24 sq. ft.**, ***, ****

INS District*	20 feet	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.	Temporary non-illuminated window signs are not regulated. Other window signs are regulated as wall signs.	One sign per street that the lot abuts, each with a maximum area of 24 sq. ft.**
I-1 and I-2 Districts*	20 feet	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.	Temporary non-illuminated window signs are not regulated. Other window signs are regulated as wall signs.	One sign per street that the lot abuts, each with a maximum area of 24 sq. ft. **, ***, ****

\*In the VMU, C, and I Districts, the following additional signs shall be allowed:

1. A maximum of one Projecting Sign shall be permitted per business, provided:
  - 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.

***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 name*) may repair or remove such sign at the expense of such owner or lessee.

***Definitions of Signs***

- A. See the Definitions Article of this ordinance

***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 name*) 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.

***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 name*) 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.
  - 1. No sign shall be so located that it interferes with the sight clearance requirements of this Ordinance.
- C. Off-Premises.
  - 1. 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.
  - 1. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received from the owner.

### ***Off-Premise Signs (Including Billboards)***

#### **A. Purposes.**

1. 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 name*) and protect property values, especially in consideration of the fact that most commercial areas of (*Municipality name*) 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 name*), including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media.

#### **B. Nonconforming Off-Premise Signs.**

1. 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.**

1. 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 District.
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.

***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 name*).

***Permits for Temporary Signs***

- A. All temporary signs as they are defined in this Ordinance, except those signs enumerated in *Table I* of this article 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.

***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.



## APPENDICES

<b>Official Use Only</b>	
<b>Zoning Permit Number:</b> _____	
<b>Issued By:</b> _____	<b>Issue Date:</b> _____

(MUNICIPALITY NAME)  
**ZONING PERMIT APPLICATION**

Directions: Application must be complete in all sections. Print must be legible. Submit two (2) sets of plans with your completed application, including the site plan. Minimum size is 11" x 17" for residential plans, and 24" x 36" for commercial plans.

**Site plan attached:**

\_\_\_\_\_  
 Yes      No

**If no reason why site plan is not attached:** \_\_\_\_\_

**Project location** (Site address):  
 \_\_\_\_\_  
 \_\_\_\_\_

**Zoning District:** \_\_\_\_\_

**Proposed use of building, structure or land** (Select all that apply):

- |                                       |  |   |                                       |
|---------------------------------------|--|---|---------------------------------------|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Residential         | <input type="checkbox"/> Commercial     | <input type="checkbox"/> Conservation |
| <input type="checkbox"/> Industrial   | <input type="checkbox"/> Public/ Semi-public | <input type="checkbox"/> Transportation | <input type="checkbox"/> Utility      |

**Type of Improvement** (Select all that apply):

- |                              |                                     |   |                                   |
|------------------------------|-------------------------------------|---|-----------------------------------|
| <input type="checkbox"/> New | <input type="checkbox"/> Alteration | <input type="checkbox"/> Repair/Replacement | <input type="checkbox"/> Addition |
|------------------------------|-------------------------------------|---|-----------------------------------|

**Owner Information:**

Name: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Applicant Information:**

Name: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Property Details:**

LOT WIDTH \_\_\_\_\_ feet      LOT DEPTH \_\_\_\_\_ feet  
 SETBACK (AGGREGATE TOTAL) OF SIDE YARD \_\_\_\_\_ feet  
 MINIMUM SIDE YARD (ONE SIDE) \_\_\_\_\_ feet

**IS THE PROPERTY IN A FLOODPLAIN? (Select one)**

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, what is the base flood elevation? \_\_\_\_\_ feet

**NUMBER OF OFF-STREET PARKING SPACES:**

Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_ Handicapped Accessible: \_\_\_\_\_

**SIZE OF BUILDING(S)/STRUCTURE(S):**

Length: \_\_\_\_\_ feet Width: \_\_\_\_\_ feet

**IMPERVIOUS AREA:**

Existing: \_\_\_\_\_ square feet Proposed: \_\_\_\_\_ square feet

**UTILITIES:**

Sewer: \_\_\_\_\_ Public \_\_\_\_\_ On-lot sewage system

Water: \_\_\_\_\_ Public \_\_\_\_\_ Well

Sewage Permit Number (As applicable): \_\_\_\_\_

**BUILDING(S)/STRUCTURE(S) TYPE (Select all that apply):**

Primary/ Principal Buildings:	_____ Detached	_____ Semi-Detached (one-wall attached)	_____ Attached (both walls)	
Accessory Buildings and structures:	_____ Garage attached	_____ Garage detached	_____ Carport	_____ Storage Shed
	_____ Above Ground Pool	_____ In Ground Pool	_____ Fence	_____ Parking Lot

**STATEMENT AND VERIFICATION BY APPLICANT**

This Application is hereby made for a permit to construct or alter a structure which shall be located as shown on diagram and plan as submitted and/or to use the premises for the purpose described herewith. The information which follows, together with location diagram, is made part of this application by the undersigned. It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact, either with or without intention on the part of this applicant, such as *might or would operate to cause a refusal of this application, or any change in the location, size or use of structure or land* be made subsequent to the issuance of this permit, without approval of the (*Municipality Name*) Zoning Officer, shall constitute sufficient ground for a revocation of this permit.

The undersigned hereby certifies that the proposed work is authorized by the owner of record and that they have been authorized by the owner to make this applicant as an authorized agent and does hereby agree to conform to all applicable laws of the jurisdiction and the state of Pennsylvania for the work for which this permit is issued.

\_\_\_\_\_  
 Signature of Authorized Representative/Owner

\_\_\_\_\_  
 Date

<b><u>Official Use Only</u></b>
<b>Nonconforming Registration Number:</b> _____
<b>Zoning Officer Signature:</b> _____
<b>Date:</b> _____

(MUNICIPALITY NAME)

**NONCONFORMING BUILDING, STRUCTURE, AND USE REGISTRATION FORM**

Registrant/Applicant's Name (If different from the Landowner): \_\_\_\_\_  
Registrant/Applicant's Telephone Number or Email address: \_\_\_\_\_  
Landowner's Name: \_\_\_\_\_  
Landowner's Address: \_\_\_\_\_  
Landowner's Telephone Number or Email address: \_\_\_\_\_  
Project being proposed at this time: \_\_\_\_\_

Please check all that apply to this application.

Non-conforming Building     Non-conforming Structure     Non-conforming Use

Please describe all nonconformities on the property. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As the landowner of the property, I confirm this information to be correct and understand the regulations of nonconforming buildings, structures and/or uses as it relates to their continuation, alteration, extension or enlargement, reconstruction and restoration, discontinuance, and nonconforming signs. I am aware of Article \_\_\_ (*NONCONFORMING, LOTS, USES, AND BUILDINGS*) in the (*Municipality Name*) Zoning Ordinance and how this may affect future pursuits as it relates to the nonconforming issue(s) previously described.

Landowner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

As the Registrant/Applicant pursuing changes with the property, I am aware of Article \_\_\_ (*NONCONFORMING, LOTS, USES, AND BUILDINGS*) in in the (*Municipality Name*) Zoning Ordinance and how this may affect future pursuits as it relates to the nonconforming issue(s) previously described.

Registrant/Applicant's Signature (If different from the Landowner): \_\_\_\_\_

Date: \_\_\_\_\_

<b>Official Use Only</b>	
<b>Variance Request Number:</b> _____	<b>ZHB Decision:</b> _____
<b>ZHB Decision Date:</b> _____	<b>Chairman Signature:</b> _____

**(MUNICIPALITY NAME)  
 ZONING VARIANCE REQUEST**

As the landowner of the property, I \_\_\_\_\_ hereby request the following variance to the *(Municipality Name)* Zoning Ordinance.

Or,

Acting on the landowner's behalf, as permitted by authorization on my client's current subdivision/land development application for which this form is intended, I \_\_\_\_\_

hereby request the following variance to the *(Municipality Name)* Zoning Ordinance.

In the following spaces provided, please list the appropriate section of the *(Municipality Name)* Zoning Ordinance for which you are requesting a variance and answer each question in the space provided.

Ordinance Section Number: \_\_\_\_\_

What requirement of this Section cannot be achieved?

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What non-financial reason(s) can you offer as hardship for why this requirement cannot be achieved?

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Ordinance Section Number: \_\_\_\_\_

What requirement of this Section cannot be achieved?

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What non-financial reason(s) can you offer as hardship for why this requirement cannot be achieved?

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Ordinance Section Number: \_\_\_\_\_

What requirement of this Section cannot be achieved?

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What non-financial reason(s) can you offer as hardship for why this requirement cannot be achieved?

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*Note: If additional sheets are required, you may utilize this page for reproduction purposes.*

**--- OPTIONAL OVERLAY AREA PLUG-INS ---**

## **FLOODPLAIN OVERLAY REGULATIONS**

### ***Purposes***

- A. The purpose of this Article is to:
- B. Promote the general health, welfare, and safety of the community.
- C. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- D. Minimize danger to public health by protecting water supply and natural drainage.
- E. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- F. Comply with federal and state floodplain management requirements.

### ***Acronyms***

- A. The Following acronyms are used throughout this Article.
- B. ASCE: American Society of Civil Engineers
- C. FEMA: Federal Emergency Management Agency
- D. IBC: International Building Code
- E. IRC: International Residential Code
- F. UCC: Uniform Construction Code

### ***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.
- C. 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.
- D. 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.
- E. 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.

***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 to 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 Section 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.
- 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.

#### ***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.

#### ***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.

#### ***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.

#### ***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.

***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.

***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.

***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.]*

***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.

### ***Changes in Identification of Area***

- A. 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).

### ***Boundary Disputes***

- A. 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.

### ***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.
  - 1. 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.

### ***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 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;

***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, (Sections 1612.4, 1603.1.6 and 3403.1) and in the 2003 IRC, (Sections R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sections 2.4 and 2.5, Chapter 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 (Sections 1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1. and ASCE 24 (Section 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 (Sections R323.2.2 and R323.1.4) and the 2003 IBC (Sections 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.

***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 (Sections 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. Sections 401.3 and 401.4), the 2003 IRC (Section 323.1.6), the ASCE 24-98 (Section 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 (Sections

1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the IRC (Sections R301.1 & R323.1.1) and ASCE 24-98 (Section 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.
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 (Sections 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (Sections 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 (Sections 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Sections 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 (Section 1612.4), the IRC (Sections R323.1.5), the 2000 IFGC (Sections 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 (Section 1612.4), the 2003 IRC (Sections R323.1.5) the 2000 IFGC (Sections 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.

***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: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
  2. International Residential Building Code (IRC) 2003 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

***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 of this Article shall apply.

***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 (Sections 3402.1 and 1612.4) and the 2003 IRC (Sections 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 (Sections R102.7.1, R105.3.1, R105.3.1.1 and Appendices E and J) or the latest revision thereof, and the 2003 IBC (Sections 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

***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.

***Definitions***

- A. 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.
- B. 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.
- C. 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.
- D. 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.

E. 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.]*

F. 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.

G. 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.

H. 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.]*

I. New construction - structures for which the start of construction commenced on or after the adoption of this Ordinance, and includes any subsequent improvements thereto.

J. 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.]*

K. 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.

L. 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.

- M. 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.
- N. 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."
- O. 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.



## HISTORIC OVERLAY DISTRICT

### *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.

### *Intended Purpose*

- A. The Historic Overlay District (HOD) is intended to be maintained as an originally planned environment of historic and architecturally significant structures and open spaces which will be an economic and aesthetic asset to the local and regional community. This district is intended to stabilize and improve the existing values inherent in the already built environment and encourage upkeep of existing and development of new properties in keeping therewith. It is further intended to promote the use of properties for residential and compatible trade and service activities.

***Permitted Uses***

- A. Single-family detached dwellings
- B. Two-family detached and single-family semi-detached dwellings
- C. Single-family attached dwellings (townhouses)
- D. Churches and similar places of worship
- E. Government offices
- G. Libraries and community activity buildings
- H. Any retail business whose principal activity is the sale of new merchandise in an enclosed building, excepting uses such as the following which tend to detract from or interfere with a high intensity of pedestrian shopping activity: automobile sales, boat sales, mobile home sales, motorcycle sales
- I. Retail sales in which both a workshop and a retail outlet or showroom are required (such as plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, photographic reproducing, radio and home appliance and similar establishments of no more objectionable character), subject to the following provision: Not more than 25% of the total usable floor area of the establishment shall be used for servicing, repairing, manufacturing, or processing activities.
- J. Restaurants, tea rooms, cafes and other establishments serving food and beverages, except those having the character of a "drive-in" type
- K. Personal services such as barber shops, Laundromats and dry cleaning pickup stations
- L. Enclosed theaters, assembly halls, concert halls, and similar places of assembly or entertainment
- M. Professional offices and banking facilities
- N. Public accommodations such as hotels, rooming houses and tourist homes
- O. Customary accessory buildings and uses, except outdoor storage, incident to any principal permitted use, including advertising signs subject to the provisions of Article \_\_\_\_ (*Signs*) of this ordinance; providing, however, that such signs shall not detract from the general intended purpose of this district.

- P. Uses which, in the opinion of the Planning Commission, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district
- Q. The following special exception uses, upon the issuance of a permit by the Zoning Hearing Board as provided in Section 14.07-B of this ordinance:
  - 1. Conversion dwellings
  - 2. Home occupations
  - 3. Multi-family dwellings such as garden apartments
  - 4. Private schools such as nursery schools and business colleges.
  - 5. Building heights in excess of those indicated in the following section.

***Minimum Off-Street Parking, Loading and Unloading Requirements***

- A. Off-street parking shall be provided in accordance with Section 12.07 of this ordinance.38. B. Each business establishment shall provide adequate loading and unloading space for each 4,000 square feet of floor area or fraction thereof in each building. Such space or spaces shall be not less than 400 square feet in area with a dimension of 10 feet by 40 feet per space with a fourteen-foot height clearance and shall be exclusive of any public right of way or off-street parking area.

***Limitations of Signs***

- A. Only those signs referring or relating to the uses conducted on the premises or to the materials or products made, sold or displayed on the premises and which will not detract from the character of this district shall be permitted and further provided that all signs and advertising structures shall be maintained in accordance with Sign Regulations of this ordinance.

***Special Requirements***

- A. Building Permits. No building or structure shall hereafter be erected, altered or restored, razed or demolished within the HOD, until a building permit shall have been authorized by the Borough Council upon the recommendation of the Planning Commission as to exterior architectural features including signs. In authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or arranging of all or a part of any building within the HOD, the Board shall consider the following matters:
  - 1. The effect of the proposed change upon the general historic and architectural nature of the area
  - 2. The appropriateness of exterior architectural features which can be seen from a public street
  - 3. The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the area.

**LAND SUBSIDENCE PREVENTION OVERLAY (LSP)**

***Purpose***

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 prevent damage to future structures proposed on lands associated with subsidence from both the natural geologic rock strata and/or historic mining activity.
- C. Reduce financial burdens imposed on the community, its governmental units, and its residents, by limiting structural improvements which may become compromised due to land subsidence.
- D. Comply with federal and state land disclosure rules as it relates to lands known to have the potential for Karst related incidents.

***Abrogation and Greater Restrictions***

- A. This ordinance supersedes any other conflicting provisions which may be in effect relative to the LSP. 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.

***Applicability***

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, any construction or development anywhere within (*Municipality name*) 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.

***Application for a Zoning Permit in the LSP***

- A. Application for such a Zoning Permit shall be made, in writing, to the Zoning Officer on forms supplied by (*Municipality name*). 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 LSP, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that all such proposals 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 Zoning Officer to make the above determination:
  - 1. A completed Zoning 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;
    - 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. Test borings and an analysis covering the site, spaced no greater than 500 feet apart, shall be provided.
    - f. For mine subsidence areas, Borings shall be taken at the locations of each foundation column or concentrated load bearing foundation member.
    - g. Methods to correct settling, should it occur, shall be submitted with the application.
    - h. The location of any existing bodies of water, watercourses, floodplain information, and the flow of water including direction and velocities.
    - i. Any use which results in the major alteration of groundwater levels, such as a concentration of private wells or septic systems, should be prohibited.
    - j. The mapped boundary of the LSP;
    - e. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, by implementing and maintaining erosion and sedimentation control measures.

***Review of Application by Others***

- A. A copy of all plans and applications for any proposed construction or development in any identified LSP 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.

***Issuance of a Zoning 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.

***Identification of LSP Area***

- A. The LSP area shall be identified as a mapped area on the (*Municipal Name*) Zoning Map.
- B. The overlay area derived from maps developed by the municipality from the positive identification outcomes of prior test borings, documented structural subsidence, and observed and reported sinkholes.

***New Construction***

- A. Any new construction, development, uses or activities allowed within any LSPs shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.
- B. As LSPs are similar in location to floodplains, all activities allowable within LSP must comply with the floodplain ordinance of (*Municipality name*). Where there is a conflict between any of the provisions of this ordinance and the Floodplain Ordinance, the more restrictive provision shall apply.

***Exceptions and Municipal Exemption from Liability***

*[Note to ordinance preparer: Include this section only if not in the present applicable ordinance.]*

- A. Since there are no known underground maps delineating the mined areas in (*Municipal Name*), in lieu of test borings, a residential property owner desiring to build in the Mine Subsidence Area may submit a suitable letter to the municipality with any evidence available or historical records pertaining to the particular lot in question and absolve the (*Municipal Name*) of any liability if a cave-in should occur.

**Severability**

*[Note to ordinance preparer: Include this section only if not in the present applicable ordinance.]*

- A. If any section, clause, provision, or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of these regulations. It is hereby declared to be the intent of the ([Municipal Governing Body]) that this Ordinance would have been adopted if such invalid or unconstitutional section, clause, provision or portion had not been included herein.

***Repealer***

*[Note to ordinance preparer: Include this section only if not in the present applicable ordinance.]*

- A. Any Ordinance or part thereof inconsistent herewith is hereby repealed to the extent of such inconsistency.
- B. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or legal proceeding now pending in any court, or any rights accrued or liability incurred, or any cause of action accrued or existing under any Ordinance hereby repealed; nor shall any right or remedy of any character be lost, impaired or affected.

***Effective Date***

This ordinance shall become effective on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

## **PLANNED RESIDENTIAL DEVELOPMENT (PRD)**

### ***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 name)*.
- 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.

### ***Application of the PRD Overlay District***

- A. No application for a PRD shall be considered or approved by the *(Governing Body)* unless the following initial requirements are met:
- B. The PRD 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.
- C. The PRD shall be permitted to locate only in residential zoning districts.
- D. The PRD shall be served by those public water supply and public sewage disposal systems serving *(Municipality name)*. The applicant shall provide proof to the *(Governing Body)* that capacity for both utilities is available for the PRD.



- E. The PRD shall be generally consistent with the *(Municipality name)* Comprehensive Plan.

**General Regulations, Procedures**

- A. The *(Governing Body)* shall hear and decide requests for a PRD in accordance with the provisions of this Section and the procedures and regulations of this Ordinance.
- B. All provisions of the *(Municipality name)* Subdivision and Land Development Ordinance, shall apply to any PRD 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 PRD is governed by and follows the procedures of Article VII of the Pennsylvania Municipalities Planning Code, as reenacted and amended (PA MPC). The applicant shall file all applications with the *(Municipality name)* 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 (PA MPC Section 707) the applicant is strongly encouraged to have a meeting with the *(Governing Body)*, the *(Municipality name)* Planning Commission, the Zoning Officer, the *(Municipality name)* 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 name)* Planning Commission must be accepted by *(Municipality name)* 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 name)* 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 name)*. An initial filing fee in an amount established by *(Municipality name)* 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 name)* to be applied against expenses of processing the application, not to exceed actual expenses incurred by *(Municipality name)*.
  - 1. Application content. An Application for Tentative Approval of a PRD shall include the following:

- a. \_\_\_\_ copies - Application form, provided by (*Municipality name*) and completed by the applicant.
- b. A fee for the Application for tentative approval of a PRD.
- 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 PA MPC. 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 PRD.
- d. \_\_\_\_\_ copies of an Environmental Impact Assessment documenting compliance with Subsections 4 and 5 of Section 707 of the PA MPC. Such assessment shall indicate reasons why the PRD is consistent with the (*Municipality name*) Comprehensive Plan and is in the interest of (*Municipality name*).
- e. \_\_\_\_ copies of a Community Impact Analysis:
- f. An analysis of the potential effects and impacts of the PRD upon the following community facilities will be required:
  2. Transportation system;
    - a. Water supply;
    - b. Sewage disposal
    - c. Public utilities, such as electricity, gas, telephone, cable television;
    - d. Solid waste disposal;
    - e. Emergency services (i.e., police, fire, EMS);
    - f. School facilities and school district budget;
    - g. Recreation; and
    - h. (*Municipality name*) revenue and expenses.
  3. Planning Commission Review and Comment. At the first regularly scheduled meeting of the (*Municipality name*) Planning Commission after the submission of the application, the Planning Commission shall perform the following:
    4. Hold an open meeting where the public may comment on the Application for Tentative Approval.
    5. Shall make a written recommendation to the (*Governing Body*) on any Application for Tentative Approval of a PRD. 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.

6. *(County name)* Planning Commission Review and Comment. At least 30 days before the public hearing, *(Municipality name)* shall submit the Application for Tentative Approval of a PRD to the *(County name)* Planning Commission for review and comment as required by the PA MPC.
7. Public Hearing. The *(Governing Body)* shall hold a Public Hearing on the Application for Tentative Approval of a PRD in accordance with Section 708 of the PA MPC. The Commissioners shall cause notice of the Public Hearing to be given as follows:
  8. By giving public notice in accordance with Section 908 of the PA MPC.
  9. By posting one (1) notice in the vicinity of each front lot line of the site for which the PRD is proposed in a place conspicuously visible from the street. In addition, notices shall be posted at the *(Municipality name)* building. All posting shall be done at least seven (7) days prior to the public hearing.
10. 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 PRD 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.
  - a. Authorized uses shall be limited to those specified in the next Section of this Article (regarding Standards and Conditions).
  - b. No modifications shall be given for density in the applicable residential zoning district(s) established in Maximum Dwelling Units per Site.
  - c. All common open space shall be reserved as permanent open space.
  - d. Provisions for all PRD shall be in accordance with the laws of the Commonwealth of Pennsylvania for PRD.
  - e. 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.
  - f. 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.
  - g. Whenever a modification is granted to construct a structure below the one-hundred year flood elevation, *(Municipality name)* shall notify the applicant in writing that:
  - h. The granting of the modification may result in increased premium rates for flood insurance.
  - i. Such modification increases the risk to life and property.

11. Findings. The *(Governing Body)* shall make findings in accordance with Section 709 of the PA MPC.
12. Official Written Communication. The official written communication of findings shall be certified by the *(Municipality name)* Secretary of the *(Governing Body)* and a certified copy shall be mailed to the applicant.
13. Status of plan after Tentative Approval. The status of a plan after Tentative Approval shall be in accordance with Section 710 of the PA MPC.

Final Approval

- A. Submission of application. The Application for Final Approval of a PRD 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 PRD, 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.
- B. Application content. An Application for Final Approval of a PRD shall include the following:
  1. \_\_\_\_\_ copies - Application form, provided by *(Municipality name)* and completed by the applicant.
  2. Application fee and review fees for Final Approval of a PRD.
  3. \_\_\_\_\_ copies - Maps and information as required by the *(Municipality name)* Subdivision and Land Development Ordinance.
  4. \_\_\_\_\_ 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.
  5. The final plat for the PRD shall contain those items approved in the Application for Tentative Approval and the items for final plat approval in the *(Municipality name)* Subdivision and Land Development Ordinance.
  6. \_\_\_\_\_ copies of a development schedule showing:
    - a. The order of construction of the proposed sections delineated in the final development plan.
    - b. The proposed date for the beginning of construction on said sections.
    - c. The proposed date for the completion of construction on said sections.
    - d. The proposed schedule for the construction and improvement of the common areas.
- C. 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.
- D. 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.
1. 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 PA MPC.
- E. 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 name*) Solicitor.
1. 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.
  2. 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.
- F. (*Municipality name*) Planning Commission review and recommendation. The (*Municipality name*) 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 name*) Planning Commission shall forward its written report to the (*Governing Body*), setting forth its findings and recommendations.
- G. Action on Application for Final Approval. Action on the Application for Final Approval shall be made in accordance with Section 711 of the PA MPC.
- H. Recording of final development plan. Recording of the final development plan shall be in accordance with Section 711(d) of the PA 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 name*) Subdivision and Land Development Ordinance.
- I. 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.

- J. Procedure for Approval of Amendments to PRD after Final Approval and/ or recording. Any amendment to a PRD 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 PRD. Upon approval of the amendment, the recorded Final Development Plan shall be amended and re-recorded to conform to the amendment.
- K. Completion and acceptance of Public Improvements. Upon completion of the Public Improvements in a Final Development Plan, the provisions of the *(Municipality name)* Subdivision and Land Development Ordinance shall apply and govern the filing of as-built plans and the completion and acceptance of Public Improvements.
- L. Release of Improvement Security. The release of the Improvement Security as required in previous sections of this Article shall be governed by the *(Municipality name)* Subdivision and Land Development Ordinance and the acceptance of public improvements and the required maintenance security shall be in accordance with the *(Municipality name)* Subdivision and Land Development Ordinance.
- M. Remedies to effect completion. The remedies available to *(Municipality name)* to effect completion of public improvements shall be governed by the *(Municipality name)* Subdivision and Land Development Ordinance.
- N. 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.

***Standards and Conditions***

- A. Uses permitted. Uses permitted in PRDs 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
- B. Neighborhood Commercial Uses. Neighborhood commercial uses may be permitted in a PRD only to the extent that they are designed and intended to primarily serve residents of the PRD and are compatible and harmoniously incorporated into the unitary design of the PRD. Such uses may include commercial uses of the local convenience retail and service type located to serve primarily the residents of the PRD. Uses may include personal services, day care, public and non-public schools, florist, library, public utility buildings and laundry and dry cleaning (personal) establishments.

- C. Applicability of other provisions. Unless otherwise specifically stated or specifically modified by the (*Municipal Governing Body*), all provisions of this Ordinance shall apply to all PRDs, and all PRD 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 PRDs unless otherwise stated.
- D. Residential use standards and conditions. This section specifies the regulations for residential uses in PRDs.
  - 1. Maximum dwelling units per site. The maximum number of dwelling units permitted in a PRD shall be calculated as follows:

Line Number	Formula	Results
1	Gross Tract Area (Acres)	Acres
2	Area in existing streets and rights-of-way	Acres
3	Site Area (Subtract Line 2 from Line 1)	Acres
4	Required Open Space (30% of Gross Tract Area)	Acres
5	Environmentally Sensitive Areas not required in Open Space (Floodplains, wetlands and steep slopes)	Acres
6	Future Infrastructure (15%)	Acres
7	Net Site Area (Subtract Lines 4, 5, and 6 from Line 3)	Acres
8	Maximum Net Site Density (see C.2 below)	Dwelling Units
9	Maximum Dwelling Units based on Net Site Density (Multiply Line 7 by Line 8)	Dwelling Units

- 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 name*) in lieu of dedication by agreement with the developer;
  - b. The location and physical characteristics of the site of the PRD; 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 name*).
  - 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 PRD; 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 PRD, 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 PA MPC, this Ordinance, and the Comprehensive Plan.
3. Mix of Housing Types. A PRD 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.
- E. 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.
- 1. Housing and other facilities near the periphery of the PRD shall be designed so as to be harmonious with neighboring areas.
  - 2. No structures or buildings shall be within 20 feet of the right-of-way of access roads or parking areas.
  - 3. 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.
  - 4. Yard setbacks shall be consistent with the requirements established for those uses in this Zoning Ordinance.



F. Off-Street Parking

1. Off-street parking spaces shall meet regulations as set forth in this Ordinance.
2. 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.
3. The required parking spaces shall be situated on the same lot within 200 feet of the dwelling units to be serviced.
4. 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 name*) for dedication or not.

G. Phased Development

1. 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.
2. 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.
3. 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.

H. Neighborhood Commercial Use regulations.

1. Location. Neighborhood commercial uses shall be grouped together adjacent to an arterial or collector street located within the PRD 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 PRD 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 PRD 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 PRD 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.

- I. Minimum site perimeter yard: 50 feet.
- J. Building heights shall be in accordance with the regulations specified in the underlying zoning district.
- K. Buffers and screening shall be provided in accordance with the requirements contained in the *(Municipality name)* Subdivision and Land Development Ordinance.
- L. Outdoor Lighting. Outdoor lighting shall meet the requirements contained in this Ordinance.
- M. 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 PRD and shall adhere to the following requirements:
    - a. A minimum of 30% of the gross tract area of the PRD 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 name)* 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 PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, *(Municipality name)* may serve written notice on such organization or on the residents and owners of the PRD 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 name)* 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 name)*, in order to preserve the taxable values of the properties within the PRD 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 name)* 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 PRD to be held by *(Municipality name)*, at which hearing such organization or the residents and owners of the PRD shall show cause why such maintenance by *(Municipality name)* shall not continue for the succeeding year. If *(Municipality name)* shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the *(Municipality name)* shall cease to maintain said common open space at the end of said year. If *(Municipality name)* shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, *(Municipality name)* 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 name)* in any such case shall constitute a final administrative decision subject to judicial review.
  - 2. The cost of such maintenance by *(Municipality name)* shall be assessed ratably against the properties within the PRD 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 name)*, 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 *(County name)* on the properties affected by such lien within the PRD.

4. Development plan.

- a. In accordance with Section 706 of the PA MPC, 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 name)* and shall be enforceable in law or in equity by *(Municipality name)*, without limitation on any powers of regulation otherwise granted *(Municipality name)* 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 PRD and, in addition, the manner in which such residents may modify or release such rights.
- c. The location and management of open space shall be consistent with the requirement of the Pennsylvania Planned Communities Act.

**RIPARIAN BUFFER OVERLAY (RBO)**

***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

***Abrogation and Greater Restrictions***

- A. This ordinance supersedes any other conflicting provisions which may be in effect relative to the RBO. 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.

***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 name*) unless a Building Permit has been obtained from the Building Permit Officer.
- B. Building Permit shall not be required for minor repairs to existing buildings or structures.

***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.

C. 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.
3. 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.

***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 name*). 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 RBO, 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 RBO.
  - 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.

D. The following data and documentation:

1. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
2. 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.
3. A narrative plan for the establishment of a RBO. Such plan shall include a discussion of the species of vegetation to be established, a schedule for establishment of the RBO 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.

***Review of Application by Others***

- A. A copy of all plans and applications for any proposed construction or development in any identified RBO 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.



### ***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.

### ***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.

### ***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.

### ***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 RBO, 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.

### ***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

***Identification of RBO***

- 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

***New Construction***

- A. Any new construction, development, uses or activities allowed within any RBO shall be undertaken in strict compliance with the provisions contained in this ordinance and any other applicable codes, ordinances and regulations.
- B. As RBOs are similar in location to floodplains, all activities allowable within RBOs must comply with the floodplain ordinance of (*Municipality name*). Where there is a conflict between any of the provisions of this ordinance and the Floodplain Ordinance, the more restrictive provision shall apply.

***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 RBO, the following conditions apply:
  - 1. If the lot or parcel is located entirely within any identified RBO, 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 RBO, development shall be confined to the area outside of the RBO to the maximum extent practical. If the area outside of the RBO 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 RBO, 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 RBO.
  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.

### *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 RBO 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 supersede 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 name*) 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.

### *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.
  4. Footpaths, trails and bike paths provided that:
    - a. The above are limited to 5 feet in width.
    - b. The width may be increased, subject to the approval of the governing body, provided a corresponding increase in the buffer is provided.
    - c. The above shall be constructed in such a manner as to minimize the impact to the buffer during and after construction.
    - d. 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.
- H. 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.
- I. 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.

***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 name)*.
- D. No exception shall be granted for any activity on lots created after the date of this Article.

## STEEP SLOPE PROTECTION OVERLAY (SSPO)

### *Purpose*

The purpose of the Steep Slope Protection District (SSPO) 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 name*). In implementing these principles and the general purposes of this Article and the (*Municipality name*) 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 name*).
- 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 name*) with the consequences of increased flood crests and flood hazards within (*Municipality name*) and to both upstream and downstream municipalities.
- H. To minimize the potential harmful effects to individuals and adjacent landowners in (*Municipality name*) 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 name*) 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 name*).

- 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.

***Boundary of District***

- A. The SSPO shall be defined and established as those areas of (*Municipality name*) 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 SSPO (i.e., with slopes of 15% or greater) shall be subject to the regulations of the SSPO.
- B. All lots within the SSPO 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%.

***Steep Slope Protection Overlay Concept***

- A. The SSPO 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 name*).
- B. The SSPO 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 SSPO
- C. In those areas of (*Municipality name*) where the SSPO applies, the requirements of the SSPO shall supersede any less stringent requirements of the underlying zoning district.
- D. Should the zoning classification of any parcel, or any part, which the SSPO is an overlay be changed, such change in the classification shall have no effect on the boundaries of the SSPO, unless an amendment to boundaries was included as part of the proceedings where the zoning was changed.

***Boundary Interpretation and Appeals Procedures***

- A. An initial determination as to whether the SSPO regulations apply to a given parcel shall be made by the Zoning Officer and/or (*Municipality name*) Engineer. Any party aggrieved by the decision of the Zoning Officer and/or (*Municipality name*) Engineer, either because of an interpretation of the location of the SSPO 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.

***Land Use and Development Regulations in SSPO***

- A. For any lot which contains land included in the SSPO, the following land use and development regulations shall apply.
  - 1. The average slope of the entire lot shall be determined according to the formula;
    - a.  $S = (0.0023/A) \times I \times L$

- Where:
- S = Average slope in percent
  - 0.0023 = A factor for the conversion of square feet into acres
  - I = Contour interval (in feet) of a topographic map of the parcel
  - L = Combined length (in feet) of or along all contour lines measured
  - A = Acreage of the subject parcel’s buildable area

2. In all areas of (*Municipality name*) 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 re-graded 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.

***Uses Permitted within the SSPO***

- 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 SSPO.



- 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 name*) Conservation District at least 45 days prior to the hearing

by the (*Municipal 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 (*Governing Body*) 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 name*) Subdivision and Land Development Ordinance.

## **TRADITIONAL NEIGHBORHOOD DESIGN OVERLAY (TND)**

### ***Introduction***

- A. Traditional neighborhood design ordinances are developed with the mindset of returning to our original constructs of town planning. The facilitation of mixing land use patterns, within blocks where the lots are accessed by sidewalks for improved walkability in order to encourage the new, old town feel.

### **Model Ordinance Content**

#### **ORDINANCE NO \_\_\_\_ - \_\_\_\_**

### **AN ORDINANCE OF [MUNICIPALITY], PENNSYLVANIA, PURSUANT TO ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AMENDING THE ZONING ORDINANCE BY PROVIDING FOR TRADITIONAL NEIGHBORHOOD DESIGN OPTIONS FOR NEW DEVELOPMENT PROPOSED IN THE DESIGNATED OVERLAY AREA**

### ***Title***

- A. This ordinance be known and may be cited as the TND Ordinance.

### ***Authority***

- A. The (Municipal Governing Body), under, and by virtue of and pursuant to the authority granted by Act 247, the Pennsylvania Municipalities Planning code, as reenacted and amended, does hereby enact and ordain this ordinance.

### ***Purpose***

- A. The purpose of this ordinance is to allow the optional development and redevelopment of land consistent with the design principles of traditional neighborhoods. A TND:
  - 1. Is compact;
  - 2. Is designed for the human scale;
  - 3. Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;
  - 4. Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
  - 5. Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments;
  - 6. Retains existing buildings with historical features or architectural features that enhance the visual character of the community;
  - 7. Incorporates significant environmental features into the design; and,
  - 8. Is consistent with the county and municipal comprehensive plans.

*(The purpose statement should reflect the principles and objectives of Traditional Neighborhood Development and local community character.)*

### ***Applicability.***

- A. The TND Ordinance may be applied to:

1. New development of fifteen (15) acres or more of land at any locus within the TND overlay area; or,
2. Ten (10) acres or more of land contiguous to existing development at any location within the TND overlay area; or,
3. Redevelopment or infill development within areas designated for TND Centers.

*(Provide a citation for the applicable zoning map on file with the municipal secretary)  
(A community adopting an ordinance for a traditional neighborhood development should designate standards for the minimum size of traditional neighborhood developments and locations. Municipal officials may also want to designate certain areas for infill development that can result in the creation of a TND under these design standards, which are called “TND Centers” in this model.)*

### **Definitions**

*(The following definitions may be unique to TND projects and may need to be added to the existing zoning definitions section. Other definitions are typically adopted to help define the TND Design standards found in Section \_\_\_\_.)*

- A. The following definitions shall be observed and applied, except when the context clearly indicates otherwise.

**ALLEY** - A public or private way permanently reserved as a secondary means of access to abutting property.

**BLOCK** - A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

**BUILDING SCALE** - The relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings. Mass is determined by the three-dimensional bulk of a structure: height, width, and depth.

**COMMON OPEN SPACE** - Squares, greens, neighborhood parks, public parks, and linear environmental corridors owned and maintained by the [city/town].

**TRADITIONAL NEIGHBORHOOD** - A compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other.

### **Procedural Requirements**

- A. Approval of TND shall be by Special Permit. The (*Municipality Name*) Planning Commission shall be the Special Permit Granting Authority (SPGA) for the purposes of this bylaw. A Special Permit shall be granted if the planning board finds that the application complies with this bylaw.

*(For infill projects, the existing development review procedures found in local regulations may be sufficient to ensure proper review. The optional procedural requirements below are more appropriate for new development projects.)*

*(The “Procedural Requirements” outlined below provide one approach to development review of large and complex projects, and is more applicable to Greenfield development projects. Cities and towns should examine their development review processes to find ways that the review process can be streamlined so developers are encouraged to use the Traditional Neighborhood Development ordinance.)*

*In particular, submittal requirements should conform to those required by the subdivision rules and regulations for preliminary and definitive plan submittals to the greatest extent possible.)*

**Initial conference**

- A. Before submitting an application for a TND project, the applicant shall schedule an appointment and meet with the zoning officer to discuss the procedure for approval of a TND project, including submittal requirements and design standards. At the conclusion of the meeting(s), the zoning officer will prepare summary notes of the meeting results for distribution.

**General and Specific Implementation Plan Submittals**

- A. General Implementation Plan Process. Following the initial conference, the applicant shall submit a General Implementation Plan application for [Special Permit] for a TND.
- B. General Implementation Plan Submittal Requirements. The purpose of the general implementation plan is to establish the intent, density, and intensity for a proposed development. The General Implementation Plan shall include the following:
  1. A general location map of suitable scale, but no less than one inch = [200] feet, which shows the location of the property within the community and adjacent parcels including locations of any public streets, railroads, major streams or rivers and other major features within [1000] feet of the site.
  2. A site inventory and analysis to identify site assets or resources, and constraints, including but not limited to floodplains, wetlands and soils classified as “poorly drained” or “very poorly drained,” soils with bedrock at or within 42 inches of the surface, utility easements for high-tension electrical transmission lines (>69KV), steep slopes greater than [15%], and brownfields.
  3. A conceptual site plan, at a scale of no less than one inch = [100] feet, which indicates topography in [two] foot contours for sites with 15 feet or more of local relief, or one foot contours for local sites with less than 15 feet of local relief, consisting of a map with proposed features and existing site features and uses that will remain. These features should include building outlines, location of streets, transit stops, drives and parking areas, pedestrian and bicycle paths, service access areas for receiving material and trash removal, and other impervious surfaces. The location of proposed and existing to remain trees and shrubs should also be included, along with any other significant features.
  4. A conceptual stormwater management plan identifying the proposed patterns of stormwater runoff, locations of stormwater infiltration areas, and other significant stormwater best management practices.
  5. Identification of the architectural style(s) of the TND and the accompanying site design style(s). The design style of the TND shall be conveyed with drawings or computer simulations of typical proposed building elevations (including dimensions of building height and width, and facade treatment).
  6. A written report that provides general information about the covenants, conservation easements, or agreements, which will influence the use and maintenance of the proposed development. The report shall also describe the site conditions and the development objectives.

7. Any other information deemed necessary by the [city/town] in order to evaluate plans.
  8. Five copies of the above information shall be submitted plus one digital plan set.
  9. Specific Implementation Plan. Following the [zoning map amendment, approval or approval with conditions] of the General Implementation Plan, a Specific Implementation Plan shall be submitted to the SPGA. The purpose of the Specific Implementation Plan is to establish a detailed development proposal. The Specific Implementation Plan can be proposed, reviewed, and acted upon as whole or in part or phases.
  10. Specific Implementation Plan Submittal Requirements. The applicant shall submit a series of plans, maps, and written materials, which include the following information:
    - a. A general location map of suitable scale which shows the boundaries and dimensions of the property and adjacent parcels, including locations of any public streets, railroads, major streams or rivers and other major features within 1,000 feet of the site, along with a legal description of the property.
    - b. A site inventory and analysis to identify site assets or resources, and constraints, including but not limited to floodplains, wetlands and soils classified as “poorly drained” or “very poorly drained,” soils with bedrock at or within 42 inches of the surface, utility easements for high-tension electrical transmission lines (>69KV), slopes greater than [15%], and brownfields.
- C. A site plan, including proposed topographic contours at one-foot intervals, with the following information:
1. The location of proposed structures and existing structures that will remain, with height and gross floor area noted;
  2. The location of street and pedestrian lighting, including lamp intensity and height;
  3. The location of proposed open space;
  4. The circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public streets or right of-ways; transit stops; easements or other reservations of land on the site; the location and dimensions of existing and proposed curb cuts, off-street parking and loading spaces, include service access for receiving and trash removal; sidewalks and other walkways;
- D. Location of all trees, shrubs, and ground cover (proposed or existing) to remain on the site
1. A stormwater management plan for the site. The grading plan shall show existing and proposed ground elevations with contours (one-foot contour interval) and spot elevations at significant high points, low points, and transition points. The grading plan shall also note the finished ground floor elevations of all buildings. The plan shall also show the locations of all storm drainage sewers and structures, and infiltration or detention/retention structures; and all wetlands on the site, and copies of documents completed in making the wetlands identification.
  2. Detailed elevations of all proposed commercial buildings and typical elevations of residential buildings. Scaled elevations should identify all signs, building materials and percentage of

ground floor commercial facade in windows; the location, height and material for screening walls and fences, including outdoor trash storage areas, electrical, mechanical and gas metering equipment, storage areas for trash and recyclable materials, and rooftop equipment.

3. A utilities plan showing underground and above ground lines and structures for sanitary sewers, electricity, gas, telecommunications, and all other utilities.
  4. A written report, which completely describes the proposal and indicates covenants or agreements that will influence the use and maintenance of the proposed development. The report also shall describe the analysis of site conditions and the development objectives.
- E. Ownership and Maintenance of Public Space. Provision shall be made for the ownership and maintenance of streets, squares, parks, open space, and other public spaces in a TND by dedication to *(Municipality Name)*.

(There are many ways to preserve open space within developments. More discussion on this can be found in the Open Space Residential Design section of the Toolkit.)

**Design Standards**

*(The TND design standards should direct the creation of a mix of compatible uses and activities organized on high quality design principles. The design standards should promote the principles, goals and objectives that the community determines appropriate for a Mix of Uses, Compact Design, the Cultural and Environmental Context, Accessibility and Transportation, and Sustainability.)*

**Mix of Uses.**

- A. In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A TND should consist of a mix of residential uses, a community center, and open space as listed below:
- B. Residential uses. The following types can occur anywhere within the TND. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the TND.
  1. Single-family detached dwellings, including manufactured homes;
  2. Single-family attached dwellings, including duplexes, townhouses, row houses;
  3. Multi-family dwellings, including senior housing;
  4. Accessory dwelling units within a single-family unit;
  5. “Special needs” housing, such as community living arrangements and assisted living facilities.

*(Traditional neighborhood developments should provide a mix of housing types, such as attached single-family residences, town-homes, duplexes, quadplexes, and specialty housing, to accommodate households of all ages, sizes, and incomes. A certain percentage will be set aside as affordable (see section 04.2b).)*

- C. Community Center, composed of a mix of commercial, residential, civic or institutional, and open space uses as identified below. The project dimensions should be organized so that residential blocks are within approximately 1/4 mile from the Community Center.



*(A goal of traditional neighborhood developments is to provide a community center or focal point. The mixing of uses in this area can reduce vehicle use and can broaden the tax base of the community. It can also help build community identity. With infill projects, the use of an existing public facility may be the community center, and should be identified for this purpose.)*

- D. Commercial Uses in the Community Center. Individual businesses should not exceed [6,000] square feet in size, but may be larger for specialty and bulk sales stores. In addition, the following active, pedestrian-oriented uses are desired:
  - 1. Food services (neighborhood grocery stores; butcher shops; bakeries; restaurants, not including drive-through facilities; cafes; coffee shops; neighborhood bars or pubs);
  - 2. Retail uses (florists or nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artisans);
  - 3. Services (day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning);
  - 4. Accommodations (bed and breakfast establishments, small hotels or inns).

**Residential Uses in the Community Center**

- A. Single-family attached dwellings, including duplexes, townhouses, row houses;
- B. Multifamily dwellings, including senior housing;
- C. Residential units located on upper floors above commercial uses or to the rear of storefronts;
- D. “Live/work” units that combine a residence and the resident’s workplace;
- E. “Special needs” housing, such as community living arrangements and assisted living facilities.

**C. Civic or Institutional Uses in the Community Center**

- F. Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;
  - 1. Transit shelters;
  - 2. Places of worship;
  - 3. Educational facilities.

**G. Open Space Uses in the Community Center**

- 1. Central square;
- 2. Neighborhood park;
- 3. Playground.

In addition to the open spaces within the Community Center, open spaces shall be incorporated elsewhere in the Traditional Neighborhood Development in accordance with section 4.2(a).

*(The use of infill areas may mean that some of these elements are already incorporated into the TND location. In those cases the particular elements that need to be added can be specified for inclusion, and the other design standards can be modified to address the integration of the uses.)*



### **Compact Design.**

In order to create a compact design, the following standards of density and dimensions will be included in any TND proposal.

*(The design standards presented here will be most appropriate in new construction, but may also be applicable to infill development. The feasibility of any proposal will depend on flexibility and creativity in the design, and the strength of the real estate market for the project elements.)*

- A. **Open Space.** At least [10-20] percent of the gross acreage of the Traditional Neighborhood Development must be open space. At least [25] percent of the open space must be common open space dedicated to the public for parkland. [Ninety (90)] percent of the lots within the areas devoted to residential uses shall be within a ¼ mile from common open space. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than central locations.
- B. **Residential Units.** The number of residential dwelling units and the amount of nonresidential development (excluding open spaces) shall be determined as follows:
- C. **In areas devoted to Residential uses:**
  - 1. The number of single-family attached and detached units permitted shall be [5 to 8] dwelling units per net acre;
  - 2. The number of multi-family units shall be [15 to 40] dwelling units per net acre.
  - 3. Accessory dwelling units shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of accessory dwelling units shall not be more than [10 percent] of the total number of single-family attached and detached units.
  - 4. For each affordable housing unit provided under this section, one additional dwelling unit shall be permitted, up to a maximum [15] percent increase in dwelling units.
- D. **In Community Center areas:**
  - 1. The number of single-family and multi-family dwelling units permitted shall be calculated the same as above plus an additional number of units not to exceed [10 percent] of the amount permitted above.
  - 2. All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than [10 dwelling units or 10 percent], whichever is greater.
- E. **In all areas a minimum percentage of the units will be made affordable according to the following:**
  - 1. Affordable units shall be included at a minimum of [10 to 25] percent of the total number of units at a range of prices that distributes an equal number of units affordable to residents with incomes at [80] percent, [100] percent and [120] percent of the median household income as determined by the applicable HUD metropolitan statistical area (MSA).

*(It is recognized that certain grant and housing programs specify a certain number of units for affordability and the density standard. The standards here follow common thought about the density of units, which leads to the total number of units.)*

- F. Commercial Space. The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed [25] percent of the TND.
- G. Lot and Block Standards.

*(Diversity in block and lot size creates visual interest, but short blocks in traditional grids provide more options for movement and improve accessibility so should be the standard. The grid should also be compatible with natural features.)*

- 1. Block and lot size diversity. Street layouts should provide for development blocks that are generally in the range of 200-400 feet deep by 400-800 feet long. A variety of lot sizes should be provided that allow diverse housing choices.
- 2. Lot Width. Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.
- 3. Lot Orientation. Lot design should allow for passive solar designs for buildings.

Typically this will place longer walls along an east-to-west axis.

*(Communities should establish minimum and maximum lot sizes and setbacks that meet TNDs within their community, but also consider sustainability and road classification.)*

H. Building Setbacks.

- 1. Building Setback, Front – Community Center Area. Structures in the Community Center area have no minimum setback. Commercial and civic or institutional buildings should abut the sidewalks in the Community Center area.
- 2. Building Setback, Front - Residential. Single-family detached residences shall have a building setback in the front between [0 and 25] feet. Single-family attached residences and multifamily residences shall have a building setback in the front between [0 and 15] feet.
- 3. Building Setback, Rear - Residential. The principal building on lots devoted to single-family detached residences shall be setback no less than [30] feet from the rear lot line.
- 4. Side Setbacks. Provision for zero lot-line single-family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.

**Architectural Standards.**

A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

*(Architectural design standards included in these sections provide both dimensional and performance standards. Additional design guidelines can be developed when the community determines what should be accomplished with comprehensive design guidance.)*

A. Guidelines for Existing Structures

- 1. If existing structures are determined to be historic or architecturally significant, they shall be protected from demolition or encroachment by incompatible structures or landscape development. The U.S. Secretary of the Interior’s Standards for Rehabilitation of Historic

Properties shall be used as the criteria for renovating historic or architecturally significant structures.

*(An inventory of existing architectural styles in the community can be used to determine what styles should be replicated to be responsive to the community context.)*

**B. Guidelines for New Structures**

2. Height. New structures within a Traditional Neighborhood Development shall be no more than [3 stories, 35 feet] for single-family residential, or [5 stories, 60 feet] for commercial, multifamily residential, or mixed use.

**C. Entries and Facades**

1. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street or courtyard.
2. The front facade of the principal building on any lot in a Traditional
3. Neighborhood Development shall face onto a public street.
4. The front facade shall not be oriented to face directly toward a parking lot.
5. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
6. For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
7. New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.
8. Garages and Accessory Dwelling Units. Garages and accessory dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the accessory dwelling unit shall not exceed [800] square feet.

*(Accessory units may be between 450 and 900 square feet in area. A smaller unit size will better conform to the compact design principles.)*

- D. Exterior signage. A comprehensive sign program is required for the entire TND to establish a uniform theme. Signs shall share a common style (e.g., size, shape, material). In the mixed-use area, signs shall be wall signs or cantilever signs. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed [8] square feet. Wall signs shall be sized and placed to fit within the architectural elements.

**Circulation Standards**

- A. The circulation system shall provide for different modes of transportation. The circulation system shall provide functional links within the Residential areas, Community Center area, and open space and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), limit access onto

streets of lower traffic volume classification, and promote safe and efficient mobility through the TND.

*(A goal of traditional neighborhood developments is a vehicle circulation system that provides for access generally by way of an interconnected network of streets. Street design standards must consider pedestrians, bicycles, public transit, and vehicles, and promote a safe environment for all-non-vehicle travel.)*

- B. Pedestrian Circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the Traditional Neighborhood Development. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides.
- C. The following provisions also apply:
  - 1. Residential Sidewalks. Clear and well-lighted sidewalks, [3-5 feet] in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk.
  - 2. Community Center Sidewalks. Clear and well-lit walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be [a minimum of 5 feet] in width.
  - 3. Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
  - 4. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.

*(Traditional neighborhoods should be safe and fully accessible; “pedestrian friendly.”)*

- D. Bicycle Circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, 4 foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width shall be [14] feet.
- E. Public Transit Access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well-lighted.
- F. Motor Vehicle Circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing streets,” curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.
- G. Street Hierarchy. Each street within a Traditional Neighborhood Development shall be classified according to the following (arterial streets should not bisect a TND):
  - 1. Collector. This street provides access to commercial or mixed-use buildings, but it is also part of the [city/town]’s major street network. On-street parking, whether diagonal or parallel, helps to slow traffic. Additional parking is provided in lots to the side or rear of buildings.

2. Sub-collector. This street provides primary access to individual residential properties and connects streets of lower and higher function. Design speed is 25 mph.
3. Local Street. This street provides primary access to individual residential properties. Traffic volumes are relatively low, with a design speed of 20 mph.
4. Alley. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.

*(Narrow streets and other “traffic calming” techniques help slow traffic down to promote pedestrian safety and are preferred to reduce total impervious surfaces.)*

**Attributes of Streets in a Traditional Neighborhood Development**

	Collector	Local Street	Alley
Average Daily Trips	750 - 1500	Less than 750	Not applicable
Right-of-Way	48-72 feet	35-50 feet	12-16 feet
Auto travel lanes	Two or three 12 foot lanes	Two 10 foot lanes, or one 14 foot (queuing) lane	Two 8 foot lanes for two way traffic, or one 12 foot lane for one-way traffic
Bicycle lanes	Two 6 foot lanes combined with parking lanes	None	None
Parking	Both sides	None or one side, 8 feet	None (access to individual drives and garages outside Rights-of-way)
Curb and gutter	Granite	Concrete	Not required
Planting strips	Minimum 6 feet	Minimum 6 feet	None
Sidewalks	Both sides, 5 feet minimum	Both sides, 3-5 feet	None

- H. Street Layout. The traditional neighborhood development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible.
- I. Intersections shall be at right angles whenever possible, but in no case less than 75 degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence), which significantly reduces accidents without the use of traffic controls.
- J. Corner Radii. The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of [15 feet] for local streets and [20 feet] for intersections involving collector or arterial streets. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of 10 feet.

K. Curb Cuts. Curb cuts for driveways to individual residential lots shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily residential uses. Clear sight triangles shall be maintained at intersections, as specified below, unless controlled by traffic signal devices:

<u>Intersection of:</u>	<u>Minimum sight distance:</u>
Local Street and collector	[120 feet]
Collector and collector	[130 feet]
Collector and arterial	[50 feet]

L. Street Orientation. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

M. Parking requirements. Parking areas for shared or community use should be encouraged.

In addition:

- A. In the mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in section 4.5.
- B. A parking lot or garage may not be adjacent to or opposite a street intersection.
- C. In the mixed-use area, a commercial use must provide one parking space for every [500] square feet of gross building area.
- D. Parking lots or garages must provide not less than one bicycle parking space for every [10] motor vehicle parking spaces.
- E. Adjacent on-street parking may apply toward the minimum parking requirements.
- F. In the mixed residential areas, parking may be provided on-site. [One] off-street parking space with unrestricted ingress and egress shall be provided for each secondary dwelling unit.
- G. Multi - family uses must provide one parking space for every dwelling unit and [0.5] parking space for each additional bedroom.
- H. Service access. Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.
- I. Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.

Outdoor lighting

- A. Street lighting shall be provided along all streets. Generally more, smaller lights, as opposed to fewer, high-intensity lights, should be used. Street-lights shall be installed on both sides of the

street at intervals of no greater than [75] feet. Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society.

- B. Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.

**Landscaping and Screening Standards**

- A. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.
- B. General Screening. Where screening is required by this ordinance, it shall be at least 3 feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than 50 percent opaque behind a continuous landscaped area, a masonry wall, or a hedge.
- C. Street trees. A minimum of one deciduous canopy tree per [40] feet of street frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.

A. Parking Area Landscaping and Screening.

- 1. All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:
  - a. A landscaped area at least five (5) feet wide along the public street or sidewalk.
  - b. Screening at least three (3) feet in height and not less than fifty (50) percent opaque.
  - c. One tree for each twenty-five (25) linear feet of parking lot frontage.
  - d. Parking area interior landscaping. The corners of parking lots, “islands,” and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
  - e. In large parking lots containing more than two-hundred (200) spaces, an additional landscaped area of at least three-hundred (300) square feet shall be provided for each twenty - five (25) spaces or fraction thereof, containing one canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.

Installation and Maintenance of Landscaping Materials.

- A. All landscape materials shall be installed to current industry standards.
- B. Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound management practices,



including the use of water- and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health and public safety, replacing dead materials annually.

*(Communities need to make this section consistent with any existing landscaping ordinances. Many ordinances include a list of recommended or required plant materials that have been determined to be suitable. Such a list would be specific to each community and its climate zone and soil conditions.)*

***Stormwater Management***

The design and development of the traditional neighborhood development should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the following requirements:

- A. Untreated, direct stormwater discharges to wetlands or surface waters are not allowed.
- B. Post development peak discharge rates should not exceed pre-development peak rates.
- C. Erosion and sediment controls must be implemented to remove 80% of the average annual load of total suspended solids.
- D. Areas for snow storage should be provided unless the applicant provides an acceptable snow removal plan.
- E. Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable.
- F. All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.

*(Compact development predicts a need to include appropriate stormwater management systems to handle the intensified runoff. Again communities should review their existing regulations to ensure this section is consistent with local standards.)*

***Severability***

- A. If any section, clause, provision, or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of these regulations. It is hereby declared to be the intent of the *(Municipal Governing Body)* that this Ordinance would have been adopted if such invalid or unconstitutional section, clause, provision or portion had not been included herein.

***Repealer***

*[Note to ordinance preparer: Include this section only if not in the present applicable ordinance.]*

- A. Any Ordinance or part thereof inconsistent herewith is hereby repealed to the extent of such inconsistency.
- B. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or legal proceeding now pending in any court, or any rights accrued or liability incurred, or any cause of action accrued or existing under any Ordinance hereby repealed; nor shall any right or remedy of any character be lost, impaired or affected.



***Effective Date***

This ordinance shall become effective on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**TRANSFER OF DEVELOPMENT RIGHTS (TDR)**

***Purpose***

The purpose of this Article is to provide a mechanism for transferring development rights (TDR) 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 name)* 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.

***Severability and Transferability***

- A. *(Municipality name)* hereby recognizes the ability to sever development rights designated by this Article from certain properties in *(Municipality name)*, in accordance with Section 619.1 of the Pennsylvania Municipalities Planning Code, as reenacted and amended (PA 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 name)* compel the severance or subsequent TDR. 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.
4. 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.
5. Under no circumstances shall (*Municipality name*) require the purchase of development rights in order to develop land for any use within a Receiving Area.

***Sending Districts***

- A. The following areas are hereby designated as TDR Sending Districts: those areas designated as an overlay district entitled TDR Sending District on the (*Municipality name*) 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 PA 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.

***Receiving Districts***

- A. The following areas are hereby designated as TDRs Receiving Districts: those areas designated as an overlay district entitled TDR Receiving District on the (*Municipality name*) 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 PA 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.

***Calculation of TDRs***

- A. Sending sites may be located in the A Agricultural, C Conservation, R Residential, VMU Village Mixed Use, C Commercial, and I Industrial Zoning Districts.

- B. The number of TDRs 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
  3. The area comprising such feature(s) shall be deducted from the gross tract area. The (*Municipality name*), at its discretion, may provide and/or accept alternative sources of documentation for any of the above features
  4. 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.
  5. Where the tract contains non-residential development (commercial, 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.
  6. Deduct any portion of the tract that is restricted against development by covenant, easement or deed restriction.
  7. 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, or “VMU”. The product is the number of dwelling units that can be transferred to property in a Receiving Area.
  8. 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 (*Conditional Use or 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 *(Municipal Governing Body)* regarding the number of development rights available on the property.
- G. Upon receiving the recommendation from the Planning Commission, the *(Municipal 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 name)* Zoning Hearing Board.

***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 TDRs:
  - 1. Single-family dwellings
  - 2. Two-family dwellings
  - 3. Multiple-family dwellings
  - 4. Townhouses or cluster housing

***Severance of Transferable Development Rights***

- A. Where TDRs are proposed to be severed from a property to which they have been allocated, such development rights shall be conveyed by a Deed of TDRs duly recorded in the Office of the *(County name)* Recorder of Deeds. The Deed for the TDR 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 name)*; 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 PA MPC, Section 619.1(c)l deeds of Transferable Development Rights and restrictive covenants/easements shall be endorsed by the *(Governing Body)* prior to recording, dated not more than 60 days prior to the recording.

1. Deeds submitted to *(Municipality name)* 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 name)* Solicitor.
- D. If the Deed of TDRs 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 TDRs, the applicant shall indicate in the Deed the disposition of the remaining development rights.

### ***Deed of TDR***

- A. Development rights shall be created and transferred by means of a Deed of TDR in a form approved by the *(Municipality name)* 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 TDR. An owner of land in a Sending District may apply for a determination, by the *(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 TDR 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 TDRs during a regular public meeting of the *(Governing Body)*.
- C. The Deed of TDR shall be duly recorded in the Office of the Recorder of Deeds of *(County name)*. The *(Governing Body)* shall forward a copy of an approved Deed of TDR to the Office of the Recorder of Deeds of *(County name)*. The municipal clerk shall maintain an official register of such deeds and such deeds shall be made available for public inspection. Deeds of TDR, 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 name)* 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 TDRs. Such restrictive covenant or easement shall be recorded in the Office of the Recorder of Deeds of (*County name*), as a deed restriction on the sending property and shall serve to restrict subsequent development of the tract to the remaining number of TDRs 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 TDRs adhering to the property and/or the remaining number of development rights permitted to be developed on the site.

### ***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 TDRs, 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 TDRs from the property in the Sending District

### ***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 name*). 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 name)*, in consultation with the *(Municipality name)* solicitor. Final plan approval of any subdivision or land development plan proposing the severance or use of TDRs, and endorsement of any Deed of TDRs will be contingent upon recording of the restrictive covenant at the *(County name)* Recorder of Deeds.
- C. The restrictive covenant or easement shall designate *(Municipality name)* and/or a bona fide conservation organization acceptable to *(Municipality name)* 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.

***Receiving Area Qualifications and Calculations***

Owners of tracts which meet the following requirements may use TDRs 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. single-family detached dwelling unit per Development Right;
  - 2. two-family townhouse or quadraplex dwelling units per Development Right;
  - 3. Apartment units per Development Right.
- C. For non-residential uses, the Development Rights shall be calculated in accordance with this Article.



1. 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 name*) solicitor, legal ownership of all required development rights prior to final approval of any subdivision or land development plan utilizing TDRs.
2. 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.
3. Design Requirements and Modification of Area and Bulk Standards. A proposed development in a Receiving Area using TDRs 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.

### ***Plan Submittal Process***

Applicants for use of TDRs shall submit a plan for the Receiving Area which shall meet the requirements of the (*Municipality name*) S&LDO. 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 TDRs 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 TDRs sufficient to determine all of the owners of the development rights and all lien holders shall be furnished to (*Municipality name*).
- 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 name*) Zoning and S&LDOs.

- G. If the agreement of sale of development rights would entail less than the entire number of development rights represented by a recorded Deed for the TDRs, the applicant shall indicate the disposition of the remaining development rights.
- H. 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 for the TDRs in accordance with the PA MPC, Section 619.1(b).

***Use of Development Rights***

- A. New development utilizing TDRs 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 TDRs, 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 TDRs, 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 TDRs to assure the validity of such deed(s).
  - 4. The deed book volume(s) and number(s) of the deed(s) of TDRs to be utilized shall be noted on the plan.
  - 5. The (*Municipality name*) Zoning Officer and/or any other agent specified by the (*Municipal 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 name*) Zoning Officer, and/or any agent specified by the (*Municipal Governing Body*), shall make note of and keep permanent record of the deed book volume(s) and number (s) of the deed(s) of TDRs 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 (*Municipal Governing Body*), to fulfill the requirement above and shall be available for public inspection.
    - b. Upon approval of the final plan of a project utilizing TDRs, a new deed shall be created and recorded for the receiving property. Such deed shall identify the deed(s) of TDRs being used by deed book volume(s) and number(s) and shall state that the TDRs are attached to the receiving property in perpetuity.

- C. Where a tract located in a Receiving Area is subdivided subsequent to the receipt of TDRs, 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 name*) as an element of the proposed subdivision. The allocation as approved by the (*Municipality name*) shall be indicated upon the new deeds.

### ***Public Acquisition***

- A. The (*Municipality name*) 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 name*). Any such purchase or gift shall be accompanied by restrictive covenants or easements as specified above.

### ***Appeals***

- A. Appeals to any decisions by (*Municipality name*) 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 PA MPC, this Ordinance, and all other applicable provisions. Parties with standing to appeal shall be defined by this Ordinance.