



Official Zoning Ordinance

West Pennsboro Township Cumberland County, PA

Enacted: Jan. 16, 2008

RothPlan

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Look forward to the future!

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Article 1

Background Provisions

Section 101 Short Title

This Ordinance shall be known and may be cited as the “West Pennsboro Township Zoning Ordinance of 2007.”

Section 102 Authority

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247 “The Pennsylvania Municipalities Planning Code”, July 31, 1968, as amended.

Section 103 Purpose

This Ordinance is enacted to promote, protect and facilitate the public health, safety, general welfare, coordinated and practical community development, proper density of population, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood panic or other dangers and protection of the environment of the Township. This Ordinance is enacted in accordance with an overall planning program, and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

Section 104 Scope

From and after the effective date of this Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in the Township shall be in conformity with the provisions of this Ordinance. However, this Ordinance shall not apply to any use conducted, owned and/or operated by the Township. Any lawfully existing use, building, or land not in conformity with the regulations on the effective date of this Ordinance herein prescribed shall be regarded as nonconforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming buildings, structures, or uses.

Section 105 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township.

In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property

owner and against any implied extension of the restriction.

Section 106 Conflict

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or resolutions, or with any rule, regulation or permit adopted or issued thereunder, except as provided, and only to the extent permitted by Section 508(4) of the Act. Where this Ordinance imposes greater restrictions upon the use or development of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than the provisions of such other ordinance, resolution, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, except as provided for in Section 400 of this Ordinance, if a discrepancy exists between any regulations contained within this Ordinance and any other Township regulations, the regulation which imposes the greater restriction shall apply.

Section 107 Validity and Severability

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof.

Section 108 Uses Not Provided For

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to, and compatible with, the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood.

Section 109 Establishment of Zones

For the purpose of this Ordinance, West Pennsboro Township is hereby divided into zones which shall be designated as follows:

Agricultural Zone (A)

Rural Residential Zone (R)

Low Density Residential Zone (R-1)

High Density Residential Zone (R-2)

Mobile Home Park Zone (MHP)

Mixed Use Zone (MU)

Commercial Zone (C)

Industrial Zone (I)

Quarry Zone (Q)

Floodplain Overlay Zone (FP)

Riparian Buffer Overlay Zone (RB)

Section 110 Zoning Map

The areas within West Pennsboro Township, as assigned to each zone and the location of the zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance.

Section 111 Zone Boundary Lines

The zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines; centerlines of streets, alleys, railroad rights-of-way, and streams at time of passage of this Ordinance; the corporate boundary of the Township; or as dimensioned on the map unless other considerations take precedence. In the event of dispute about the location of the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.

Section 112 Community Development Objectives

This Ordinance is enacted in accordance with the West Pennsboro Township Comprehensive Plan and has been formulated to implement the purpose set forth in Section 103 above. The Ordinance is enacted with regard to the community goals and objectives listed in the Official Comprehensive Plan, West Pennsboro Township, Cumberland County, PA.

Section 113 Definitions

- A. WORD USAGE - Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section.
- B. LANGUAGE INTERPRETATION - In this Ordinance, when not inconsistent with the context:
 - 1. Words in the present tense imply also the future tense.
 - 2. The singular includes the plural.
 - 3. The male gender includes the female gender.
 - 4. The word "person" includes an individual, incorporator's association, member(s) of a partnership or the officers of a corporation, as well as any similar entity.
 - 5. The term "shall" or "must" is always mandatory.
 - 6. 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".
 - 7. Any words not included in the following definitions shall be defined as described in the latest edition of Webster's Abridged Dictionary.
- C. SPECIFIC WORDS AND PHRASES - The following words and phrases shall have the particular meaning assigned by this section to be used to interpret this Ordinance.

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a public or private road and a tract of land containing any use other than one single-family dwelling unit or farm.

ACCESSORY BUILDING - Any building associated with an accessory use.

ACCESSORY STRUCTURE - Any structure associated with an accessory use.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

ACREAGE, GROSS - The total land area contained within a property or proposed site, including lands within a public or private street right-of-way.

ACREAGE, NET - The total land area contained within a property or proposed site, exclusive of lands within a public or private street right-of-way.

ACT - The latest version of the Pennsylvania Municipalities Planning Code, as amended or re-enacted.

ADDITION – The enlargement of a structure after completion of the original structure.

ADULT USE – A business or club which engages in one or more of the following areas of sales, services or entertainment:

1. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
2. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body, when specified anatomical areas are exposed.
3. Adult Bookstore: Any establishment which has a substantial or significant portion of its stock in trade:
 - A. Books, films, magazines or other periodicals, or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - B. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
4. Adult Cabaret: A nightclub, theater, bar, or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, or message therapist, who is both nationally certified in therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage Therapy Association. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
6. Adult Mini Motion Picture Theater: An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio

or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated, or electronically- or mechanically-controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult Newsrack: Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Outcall Service Activity: Any establishment or business which provides an outcall service, which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time, for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner, as defined in Section 112.C.1., licensed by the Commonwealth, to engage in sexual therapy.
14. Adult Theater: A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature, which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities, or by exposure of specified anatomical areas for observation by patrons.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

AGRICULTURE - The use of the land for agriculture purposes, including farming, dairying, pasturage, agriculture, horticulture, hydroculture, floriculture, viticulture, aquiculture, fish

culture, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of such accessory uses shall be secondary to that of normal agriculture activities; and provided further that the above uses shall not include the business of garbage feeding of hogs, fur farms or the raising of animals such as rats, mice, monkeys and the like for the use in medical or other tests or experiments. This definition also includes noncommercial greenhouses and mushroom houses.

ALLEY - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

ALTERATIONS - Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls. Any revision to a building or structure that would change its use, location, and/or size.

AMUSEMENT ARCADE - A commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeeball, electronic or water firing ranges and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

AMUSEMENT/THEME PARK - A principal use at which the general public is offered pleasurable diversion through a combination of attractions, eateries, booths, stands, rides, exhibits, performances, lodging, shops and/or recreational features, but specifically excluding adult-related uses, shooting ranges, and off-track betting parlors, as defined herein. In addition, amusement parks can include the provision of resident employee and guest services incidental to the visit or stay on the site.

ANIMAL HOSPITAL - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals that is related to the short-term care associated with the use.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development including the applicant's heirs, successors, and assigns.

ATTIC - That part of a building which is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five feet (5') or more, and a permanent stationary interior access stairway to a lower building story.

AUTOMOBILE AUCTION - A principal use whereby automobiles are stored for wholesale inspection and or wholesale distribution.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes.

AUTOMOBILE PARKING COMPOUND - A primary business where privately-owned passenger vehicles may be stored for short-term, daily, or overnight periods.

AUTOMOBILE PARKING LOT - An accessory use in which required, and possibly additional, parking spaces are provided, subject to the requirements listed in Section 311 of this Ordinance.

AUTOMOBILE PARTS STORE - Any building used for the retail sales and storage of automobile parts. No outdoor storage is permitted. No installation, repair or servicing of parts

and vehicles shall be permitted.

AUTOMOBILE RACE COURSE – A facility that offers, for public inspection and amusement, on-site automobile and other motor vehicle racing events. This use can also include the conduct of other occasional special events. . In addition, to the race course and spectator areas, this use also includes accessory uses (eg. eateries, exhibits, and shops). Finally this use may also include vehicle fueling, washing and service facilities for those vehicles involved in races.

AUTOMOBILE SALES - Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a wholly-enclosed building.

AUTOMOBILE SERVICE - The retail repair, servicing, maintenance and reconstruction of passenger vehicles but not including car washes exclusively.

AUTOMOBILE STORAGE YARD – A use, either primary or accessory, where passenger vehicles are stored for periods exceeding a daily basis. Automobile storage shall not involve retail, nor wholesale, sales, display areas.

BASE FLOOD - The flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood).

BASE FLOOD ELEVATION - The projected flood height of the base flood.

BASEMENT - Any area of a building having its floor below ground level on all sides.

BED AND BREAKFAST - A single-family detached dwelling, where between one and six rooms are rented to overnight guests on a daily basis for periods not exceeding two weeks. Breakfast may be offered only to registered overnight guests, and is the only meal served.

BEEKEEPING - An accessory use to a farm permitted in any Zone, in which bees are raised and/or kept in compliance with Section 200.2.13.D. of this Ordinance.

BILLBOARD - A sign upon which images and/or messages of any kind are printed, posted, or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services or businesses at a location other than the premises on which the sign is placed, or to disseminate other messages.

BOARDING HOUSE - A detached building arranged or used for sheltering, or sheltering and feeding, for more than three (3) and not more than ten (10) individuals that do not constitute a family. This use is also meant to include lodging and rooming houses.

BUILDING - Any combination of materials that form a structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes stated above. For the purposes of this section, the word building shall also include fuel or liquid storage tanks, mobile homes and trailers used for human habitation.

Detached: A building which has no party wall.

Semi-detached: A building which has only one party wall in common.

Attached: A building which has two or more party walls in common.

BUILDING AREA - The total of areas taken on a horizontal plane at the average grade level of the principal building and all accessory buildings, exclusive of uncovered porches, awnings, terraces, and steps.

BUILDING HEIGHT - A building's vertical measurement from the mean level of the ground abutting the building at its corners to the highest point of the roof.

BUILDING SETBACK LINE - The actual line of that face of the building nearest an adjacent right of way or street line. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

CAFE - An exterior seating area associated with a restaurant or tavern which is under constant supervision by an employee of the business.

CAMPGROUND - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

CAMPSITES - A plot of ground within a campground intended for occupation by a recreational vehicle or tent for periods not exceeding ninety (90) continuous days.

CARPORT - An unenclosed structure for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is accessory.

CARTWAY - That portion of a street or alley right-of-way that is intended for vehicular movement exclusive of shoulders, curbs, sidewalks and swales.

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 one-half feet (6½'). Within a dwelling unit, a cellar shall not be counted as floor area, nor as a story of permissible building height.

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbariums, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall not include crematoria, which shall be considered as funeral homes.

CENTRAL SEWER - A system either publicly or privately owned and operated for the collection of sewage from two (2) or more principal uses and/or a system for the treatment and disposal of sewage on a property other than that which generated the sewage.

CENTRAL WATER - A system either publicly or privately owned and operated that serves more than one (1) principal use.

CERTIFICATE OF USE AND OCCUPANCY - A statement signed by a duly authorized Township officer, setting forth that a building, structure or use legally complies with the Zoning Ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

CHANNEL - A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

CHURCH AND RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and church-related educational, day care and recreational facilities.

CLUBHOUSE - A building within which is housed an organization catering principally to members and their guests, except that the periodic rental of the premises to nonmembers shall be expressly permitted. Clubhouses shall include premises or buildings for social, recreational

and administrative purposes which are not conducted for profit, provided there are no vending stands, merchandising or commercial activities, except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Clubhouses shall not be used for adult-related uses or off-track betting parlors, as defined herein. Clubs with shooting ranges shall be required to obtain separate approval for such facilities.

COMMERCIAL KEEPING AND HANDLING - Producing and/or maintaining with the express purpose and intent of selling the product.

COMMERCIAL PRODUCE OPERATION - An agricultural use whereby plant materials are principally grown within enclosed buildings, and where such use exceeds a lot coverage of ten percent (10%).

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, and etc. This does not include adult-related uses, shooting ranges, amusement arcades, amusement/theme parks, horse racing with related wagering facilities, automobile race courses, zoos, nor off-track betting parlors, as defined herein.

COMMON OPEN SPACE - Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of the development or the general public. However, common open space approved for future agricultural use and subject to permanent agricultural preservation easements located within a cluster development need not be available for use by the residents of the development or the general public. Land included within the right-of-way lines of streets and storm water detention basins shall not be classified as common open space. Common open spaces shall not include required setbacks between buildings and street rights-of-way, driveways, access drives, parking areas, and property lines of the development. No dwelling unit, residential accessory buildings, or parking or loading areas may be located within common open spaces.

COMMUNICATION ANTENNA TOWER - A principal use that employs a device incorporating a mast or reflective surface design that is used to transmit and/or receive radio or electromagnetic waves between land or orbitally-based uses, except that this use shall expressly exclude antennas associated with accessory uses that also comply with the height requirements of its respective Zone.

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.

COMPREHENSIVE PLAN - The most recently adopted version of the Official Comprehensive Plan, West Pennsboro Township, Cumberland County, PA, including any amendments.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) - An agricultural use regulated by the federal government involving the commercial keeping and handling of livestock quantities with characteristics in **any** of the following three criteria:

Three Criteria to Determine CAFO Uses
<p style="text-align: center;">Criteria 1</p> <p>The proposed agricultural operation exceeds any of the following animal type thresholds:</p> <ul style="list-style-type: none"> • 700 mature dairy cows; • 1,000 veal calves; • 1,000 cattle including but not limited to heifers, steers, bulls and cow-calf pairs; • 2,500 swine of 55 lbs. or more; • 10,000 swine under 55 lbs.; • 500 horses; • 10,000 sheep or lambs; • 55,000 turkeys; • 30,000 layers or broiler chickens using a liquid manure handling system; • 125,000 broiler chickens not using a liquid manure handling system; • 82,000 layer chickens not using a liquid manure handling system; • 30,000 ducks not using a liquid manure handling system; and/or, • 5,000 ducks using a liquid manure handling system.
<p style="text-align: center;">Criteria 2</p> <p>Any agricultural operation that exceeding 1 million pounds of live weight of livestock or poultry.</p>
<p style="text-align: center;">Criteria 3</p> <p>Any agricultural operation that is a Concentrated Animal Operation (as defined below) that includes more than 300,000 pounds of live weight of livestock or poultry.</p>

CONCENTRATED ANIMAL OPERATION (CAO) - An agricultural use determined under Title 25, Chapter 83, Subchapter D, Section 83.262. of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations involving the commercial keeping and handling of livestock and/or poultry quantities with densities exceeding 2000 pounds per acre suitable for the application of manure on an annualized basis. Animal weights shall be determined using Table A within the above-described Section, which may be amended.

CONDITIONAL USE - A use which may be appropriate to a particular zoning district, only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 705 of this Ordinance.

CONDOMINIUM - A form of property ownership providing for individual ownership of a specific dwelling unit, or other space, together with an undivided interest in the land or other parts of the structure and/or property in common with other owners.

CONSERVATION EASEMENT – A private agreement between the landowner and the Township (and possibly other designated persons or parties) that is applied to property to perpetually protect it from future development.

CONSERVATION PLAN - A plan including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.

CONSTRUCTION - The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of a

manufactured home or other portable enclosure.

CONVENIENCE STORE - A business which specializes in the retail sales and/or rental of household products and foods. Convenience stores may also include any of the following, provided that each use has obtained the necessary respective approvals, and it operates as an accessory use to the convenience store:

1. Retail sales or rental of books, magazines, videos, software, and video games, provided that adult-related uses are expressly prohibited.
2. Restaurants, including drive-thru or fast-food operations, provided that rest rooms are made available to the public.
3. Amusement arcades, with no more than two devices.
4. Automatic bank teller machines.
5. Photomats and film development drop-off sites.
6. Laundry, dry cleaning and tailoring drop-off sites.
7. Lottery sales counters and machines.
8. Propane fuel sales with no larger than twenty (20) pound tanks, which must be stored outside of the building, but within a locked enclosure at all times.
9. Dispensing of automobile fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items, subject to the requirements of Section 406 of this Ordinance.
10. Car washes, subject to the requirements of Section 412 of this Ordinance.
11. Post offices and other parcel delivery drop-off sites.

COUNTRY ESTATE - A property within the (A and/or R) Zones that is at least ten (10) acres in size with up to two (2) acres devoted to a single family detached dwelling unit and no more than two (2) accessory buildings, with the remainder of the property subject to a conservation easement according to the requirements of Section 319.2.4. of this Ordinance.

CUL-DE-SAC - A dead-end street equipped with a circular vehicle turnaround at its terminus.

DAY-CARE - The offering of care or supervision over minors or special needs adults in lieu of care or supervision by family members. This definition does not include the offering of overnight accommodations.

Day-Care, Family: A day-care facility that is operated as an accessory use to a dwelling unit, in which care and supervision are offered to no more than three (3) nonresidents of the site during any calendar day. These facilities are permitted by right in every zone.

Day-Care Commercial: A day-care facility that offers care and supervision to more than three (3) nonresidents of the site during any calendar day. Commercial day-care facilities can be operated as principal uses or as accessory uses associated with other uses (e.g., schools, churches, industries, residential complex, etc.); however, in no case shall a commercial day-care be considered an accessory use to one dwelling unit. Commercial day-care facilities shall include "group child day-care homes" and "child day-care centers," as defined and regulated by the Department of Public Welfare of the Commonwealth of Pennsylvania. All commercial day-care centers must obtain a valid certificate of compliance from the Department of Public Welfare, and the Department of Labor and Industry of the Commonwealth of Pennsylvania, prior to operation.

DENSITY, NET - The number of dwelling units permitted in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public and/or private streets.

DEVELOPER - Any landowner, agent of such landowner or tenant with permission of such

landowner, who makes or causes to be made a development as defined as follows.

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; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DEVELOPMENTAL DISABILITY - A disability of a person which has continued or can be expected to continue indefinitely; a disability which is:

1. Attributable to mental retardation, cerebral palsy, epilepsy or autism.
2. Found to be attributable to any other conditions found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons.
3. Attributable to dyslexia resulting from a disability described in Subsections (1) and (2) of this definition.

DEVELOPMENTALLY DISABLED PERSON - A person with a developmental disability.

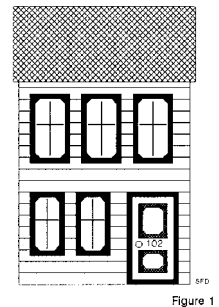
DISTRIBUTION - A process whereby materials, goods, or products are imported, stored by one person, and then delivered to another.

DOMESTIC PETS - The noncommercial keeping of no more than four (4) adult non-farm animals, as an accessory use to a dwelling unit. See Section 301.10. of this Ordinance.

DRIVEWAY - An improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm. (See also "Joint Use Driveway.")

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. All dwellings must be permanently affixed to a completely enclosed foundation constructed of currently accepted materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly, due to frost action. In addition, all dwellings shall be properly connected to approved and permanently-designed sewer, water, electrical and other utility systems.

1. Single-Family Detached: A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and (1) side and rear yards. Manufactured homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, they comply with paragraph 5), as follows. Travel trailers, as defined herein, shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling. (Figure 1)



2. Duplex (Two-family; single-family semi-detached): A freestanding building containing two dwelling units for two families, arranged in a side-by-side or over-and-under configuration. Those units placed on common grounds shall have one front and rear yard and two side yards. Those units constructed on individual lots shall have one front, side and rear yard. (Figures 2 and 3)

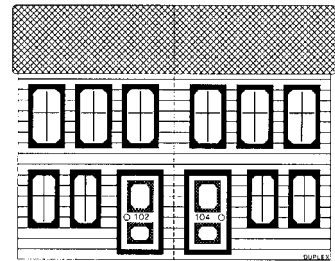


Figure 2

3. Multiple Family: A building containing three or more dwelling units, at least one of which must be located above or below the remaining units. (Figure 4)

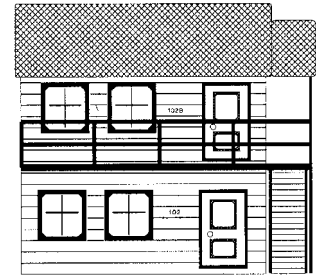


Figure 3

4. Townhouse: A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls. (Figure 5)

5. Manufactured Home: For the purposes of this Ordinance, all manufactured homes, except those contained within manufactured home parks, shall be governed by all regulations applicable to single-family detached dwellings, and the following:

- A. All apparatuses used to tow or transport the manufactured home (including, but not limited to, the towing hitch) shall be removed; and,



Figure 4

- B. All manufactured homes and additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top or frame ties to ground anchors in accordance with the American National Standards, as specified in the Standard for the Installation of Manufactured homes Including Manufactured home Park Requirements (NFPA No. 501A-1974 [ANSI A119.3-1975]), as amended for Manufactured homes in Hurricane Zones or other appropriate standards, such as the following:

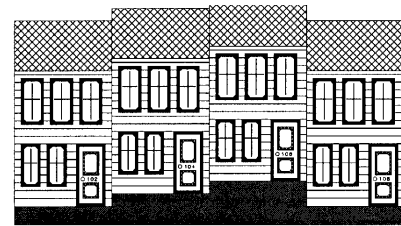


Figure 5

- a. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations for units fifty feet (50') or more in length, and one (1) additional tie per side for units less than fifty feet (50') in length;
- b. Frame ties shall be provided at each corner of the manufactured home, with additional ties every ten feet (10') per side at intermediate locations for units fifty feet (50') or more in length, and four (4) ties per side for units less than fifty feet (50') in length; and,
- c. All components of the anchoring system shall be capable of carrying a force of four thousand, eight hundred (4,800) pounds.

DWELLING UNIT - A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities.

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock

or earth, excluding the tilling of the soil and burial.

ECHO HOUSING (ELDERLY COTTAGE HOUSING OPPORTUNITY) - An accessory dwelling unit placed on a property for occupancy by either:

1. one person who is at least 50 years of age, handicapped or disabled person who is related by blood, marriage or adoption to the occupants of the principal dwelling; or
2. the caregiver who is related by blood, marriage or adoption to the elderly, handicapped or disabled occupant(s) of the principal dwelling.

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.

FAMILY - An individual or individuals related by blood, marriage, or adoption (including persons receiving foster care) that maintain one common household and live within one dwelling unit. Additionally, up to three (3) unrelated individuals who maintain a common household and live within one dwelling unit may be considered a family. Finally, a family shall also expressly include any number of unrelated persons who reside within a licensed group home, as defined herein.

FARM - Any parcel of land with ten (10) or more acres which is used in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures and the storage of equipment and materials customarily incidental to the primary use.

FARM OCCUPATION - An accessory use to the primary agricultural use of a property in which residents and up to four (4) nonresidents engage in a secondary occupation conducted on the active farm.

FARMERS AND/OR FLEA MARKET - A retail sales use where more than one vendor displays and sells general merchandise that is new or used. Farmers and/or flea markets can include indoor and outdoor display or merchandise.

FELLING - The act of cutting a standing tree so that it falls to the ground.

FENCE - A structure designed as a barrier to restrict the movement or view of persons, animals, property, and/or vehicles. This definition shall not include ornamental fence treatments that are located in the front yard and extend less than one-half the width and/or depth of the front yard.

FILL - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

FINANCIAL INSTITUTION - A bank, savings and loan association, credit union, finance or loan company, etc.

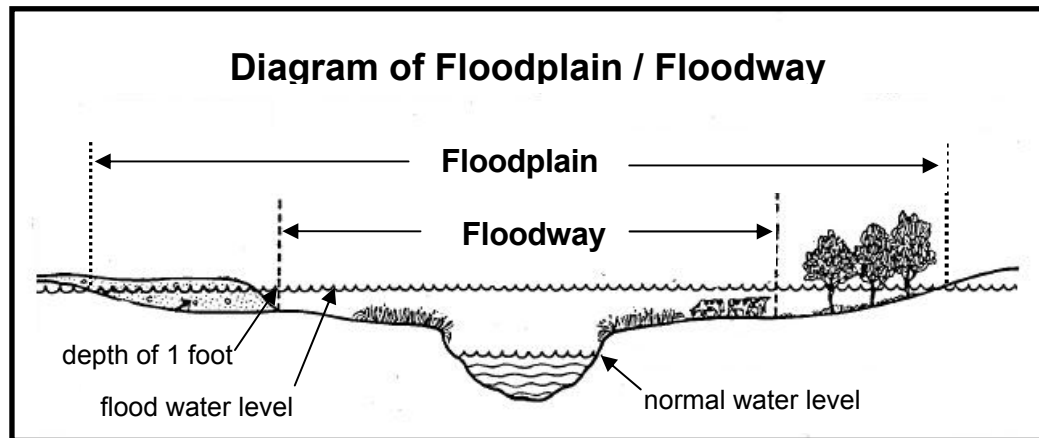
FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from the overland flow of watercourses, or from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD, BASE - The flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood).

FLOOD ELEVATION, BASE - The projected flood height of the base flood.

FLOODPLAIN - An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of

FLOODPROOF - Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.



FLOOD ELEVATION - The projected heights, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), reached by floods of various magnitudes and frequencies in the floodplain areas.

FLOOR AREA, GROSS - The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and including all areas intended and designed for the conduct of a business or use.

FLOOR AREA, HABITABLE - The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

FORESTRY - The management of forest and timberlands, when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development. See also Timber Harvesting.

FORESTRY OPERATOR - An individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors and employees thereof.

FRONT BUILD-TO-LINE - An area establishing the required location for all, or a portion of a building's front facade, as measured from the street line.

FRONTAGE - The continuous horizontal distance shared between a public or private street, and an adjoining lot.

FUNERAL HOME - A principal use for the preparation and viewing of the dead prior to burial or cremation. Funeral homes shall not include cemeteries, columbariums, mausoleums, nor entombments, but do include mortuaries and crematorium.

GARAGE, PRIVATE - An accessory building, or part of a principal building, for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises; provided however, that one (1) commercial vehicle of not more than one (1) ton capacity may be stored therein where the use of such vehicles is not incidental to the use of the premises. No business, occupation or service shall be conducted therein, nor shall space therein for more than one vehicle be leased to a non-occupant of the premises. Where a garage is an attached integral part of a dwelling unit, the garage shall not be counted as floor area unless it is constructed or modified into a habitable room by the removal of all vehicular access doors and provided adequate off-street parking is still available on the same lot as the dwelling unit.

GARAGE SALE – The display of personal possessions, and those of friends, relatives and neighbors, for sale to the general public upon the property of one's residence. Also known as a "yard sale".

GARDENING - The accessory cultivation of herbs, fruits, flowers, or vegetables associated with a principal residential use or a publicly-offered plot.

GOLF COURSE - A golf course with a minimum of 2,000 yards of play in nine (9) holes.

GROUP HOME - A dwelling operated by a reasonably responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and those under treatment for alcohol and/or drug abuse. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the Township prior to beginning the use. Group homes shall be subject to the same limitations and regulation by the Township as single-family dwellings.

HAZARDOUS MATERIAL - Materials which have the potential to damage health, endanger human life or impair safety.

HAZARDOUS WASTE - Those wastes defined in the *Code of Federal Regulations, Title 40, Chapter 1, Part 261*, dated July 1, 1984, or as amended.

HAZARDOUS WASTE FACILITY - Any structure, group of structures, aboveground 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 AND FITNESS CLUB - A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

HEAVY EQUIPMENT - Machinery, vehicles and other devices that are not normally used for domestic purposes upon a residential dwelling lot. Examples include, but are not limited to, farm machinery, excavation equipment, commercial trucks and trailers, yachts, industrial machinery, etc.

HEIGHT, BUILDING - A building's vertical measurement from the average ground level at the corners of the building to the highest point of the roof.

HEIGHT, STRUCTURE - A structure's vertical measurement from the average level of the ground abutting the structure to the highest point of the structure.

HELICOPTER PAD (PRIVATE) - An accessory use where no more than one helicopter may

land/take-off and be stored.

HELIPORT - A principal use where one or more helicopters may land/take-off and be stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangars.

HIGHWALL - The face of exposed overburden and mineral in an open cut of a surface mining operation, or for entry to underground mining activities.

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.

HOME BASED BUSINESS, NO-IMPACT – See “NO-IMPACT HOME BASED BUSINESS.”

HOME OCCUPATION - A business or commercial activity that is conducted as an accessory use in a detached dwelling unit, including but not limited to the retail sales of seasonal and/or holiday items for one period not to exceed thirty (30) days in any calendar year, except that any use that adheres to the definition of “no-impact home-based business”, as defined herein, is permitted by right in any dwelling unit within the (A, R, R-1, R-2, MHP, & MU) Zones.

HORTICULTURE – The growing of vegetables, fruits, flowers, and other ornamental plants.

HORSE RACING FACILITY WITH RELATED WAGERING – A facility licensed by the Pennsylvania Horse Racing Commission to offer, for public inspection and amusement, on-site horse racing events with on-site related wagering thereupon. In addition, this use can also include the conduct of other occasional special events. In addition, to the race course and spectator areas, this use also includes accessory uses (including but not limited to eateries, off-street parking structures, public, community or private utilities, exhibits, and shops). In addition, this use may also include for the provision of resident employee and guest lodging services for both humans and animals incidental to the visit or stay on the site. Finally this use may also include veterinary care for animals kept or visiting the site. At such time as allowed by the Commonwealth of Pennsylvania, this use shall also permit the conduct of slot machine gambling.

HOSPITAL - An institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use also includes attached and detached accessory uses, including, if an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities,

provided that all accessory uses are contained upon the hospital property.

HOTEL - A facility which provides lodging to boarders for compensation, which contains more than eight (8) rooms with less than twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

IDENTIFIED FLOODPLAIN AREA – The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

IMPERVIOUS SURFACE - Any material that covers the land which prevents the natural absorption of surface water directly into the soil, including but not limited to buildings, pavement, and storm water facilities that discharge storm water off the site.

IMPORTANT NATURAL HABITAT - Any land area characterized by any or all of the following:

1. Wetlands as defined by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*;
2. Pennsylvania Natural Diversity Inventory (PNDI) confirmed extant plant and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered;
3. PNDI confirmed extant plant and animal species and communities that have a State Rank of S1 or S2; and,
4. Important bird areas as identified by the National Audubon Society.

INTERIOR DRIVE - Any on-site vehicular movement lane(s) that are associated with a use other than a single-family dwelling.

JOINT-USE DRIVEWAY - A common driveway that serves two or three adjoining dwellings as authorized in Section 200.11.3. of this Ordinance.

JUNK - Discarded materials that are stored awaiting potential reuse or ultimate disposal.

JUNKYARD - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junk yard." (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date.)

KENNEL - Any use, except for veterinary offices, as defined herein, in which two or more animals, excluding livestock, that are older than six months (except relating to a farm) that are kept, boarded, raised, bred, treated, or trained for a fee, including, but not limited to, dog or cat kennels.

LAND DEVELOPMENT – Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or
 - B. the division or allocation of land or space, whether initially or cumulatively, between or among two (2) 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 Exclusion of certain land development as defined above only when such development involves:
 - A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium; or
 - B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - C. The addition or conversion of buildings or rides within the confines of an enterprise, which would be considered an amusement park. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans, for the expanded area have been approved by proper authorities.

LANDING - A place where logs, pulpwood or firewood are assembled for transportation to processing facilities.

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

LANDSCAPE SCREEN - A completely planted visual barrier composed of evergreen shrubs and trees arranged to form both a low-level and a high-level screen between grade and to a height of six feet (6').

LANDSCAPE STRIP - An area used for the placement of ground cover and other ornamental vegetation.

LITTER - Discarded materials scattered about a site that are not normally associated with its use.

LOADING SPACE – See “Off-street Loading Space.”

LOP - To cut tree tops and slash into smaller pieces to allow material to settle close to the ground.

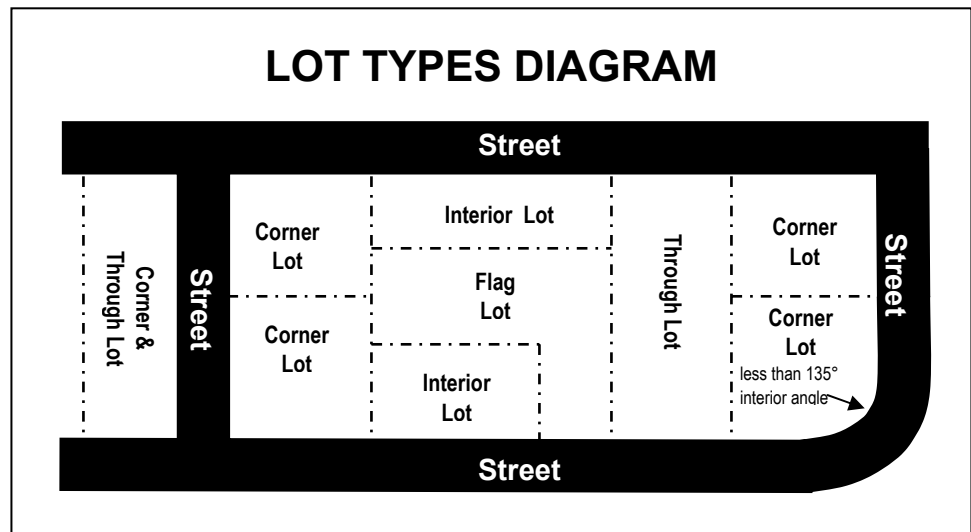
LOT - Any parcel or tract of land intended as a single unit for purposes of ownership, transfer of ownership, use, rent, improvement or development. The word “lot” includes the word “plot,” “parcel” or “tract.” Contiguous nonconforming lots of record under single and separate ownership shall be considered one lot for the purposes of this Ordinance. A lot as herein defined may or may not coincide with a lot of record.

Lot, Corner: A lot which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135°). Corner lots shall have two front yards, one side, and one rear yard.

Lot, Flag: A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage.

Lot, Interior: A lot other than a corner lot, the sides of which do not abut a street.

Lot, Through: An interior lot having frontage on two parallel or approximately parallel streets.



LOT AREA - The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT COVERAGE - The area of a lot which is covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

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

LOT FRONTAGE - That property line shared with a public or private street.

LOT OF RECORD - A lot identified on a subdivision plan or on a deed or other instrument of conveyance recorded in the Office of the Recorder of Deeds in and for Cumberland County, Pennsylvania.

LOT WIDTH - The horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line. Unless otherwise noted, lot width shall be measured at the building setback line and the street frontage.

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, provided that such space is not intended and built so that the structure is in violation of the applicable non-elevation design requirements of

this Ordinance.

MANUFACTURE - A function involving the processing, conversion or production of materials, goods, or products.

MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to required utilities. This definition shall expressly exclude transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers, except that for the purposes of Section 230 (Floodplain Overlay Zone) of this Ordinance, any recreational vehicle as defined herein, park trailer, travel trailer and other similar vehicle, that is contained on the same parcel for more than one hundred eighty (180) days in any calendar year shall be considered a mobile home. Manufactured homes placed in parks shall meet the requirements for Manufactured Home Parks listed in Section 430 of this Ordinance. Manufactured homes placed on individual lots shall be considered “dwellings,” and are bound by the requirements there-imposed.

MANUFACTURED HOME SPACE - 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.

MANUFACTURED HOME PARK – A parcel of land under single ownership, which has been planned and improved for the placement of two or more mobile homes for non-transient use.

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

MANURE STORAGE FACILITY - 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, earthen bank, stacking area, and above-ground storage.

MATURE TREES - Trees with a caliper of six inches (6”) or more, as measured four and one-half feet (4½') above grade.

MAXIMUM FLOOD ELEVATION - The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain Overlay Zone.

MEAN SEA LEVEL - The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

MEDICAL, DENTAL, OPTICAL OR COUNSELING CLINIC - Any building or group of buildings occupied by licensed practitioners and related services for the purpose of providing health and social services to people on an outpatient basis.

MEDICAL RESIDENTIAL CAMPUS - A principal use whereby a comprehensive medical and residential environment primarily serves retirement-aged persons and/or those possessing some ailment or disability. Medical residential campuses also offer a variety of residential dwelling types determined by the occupants' respective needs for some level of nursing and/or medical care.

MINING - The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial or construction use; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. Mining shall expressly exclude the following:

1. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
2. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes of the Department of Transportation or the extraction of minerals under construction contracts with the Department if the work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected in the manner provided by the act;
3. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process;
4. Dredging operations that are carried out in the rivers and streams of this Commonwealth;
5. The removal and sale of non-coal materials from retail outlets; and,
6. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. For purposes of this section, the minerals removed are incidental if the excavator demonstrates that:
 - A. Extraction, handling, processing, or storing are conducted concurrently with construction;
 - B. The area mined is limited to the area necessary to construction; and,
 - C. The construction is reasonably related to the use proposed for the site.

MINI-WAREHOUSE - A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted. No unit shall exceed six hundred (600) square feet of gross floor area.

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 exitway 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.

MOBILE HOME - See the definition of "Manufactured Home" as defined herein.

MOBILE HOME PARK - See "Manufactured Home Park" as defined herein.

MOBILE HOME SPACE - See "Manufactured Home Park Space" as defined herein.

MONOPOLE - A type of communication antenna tower that consists of a single pole or spire without guy wires or a ground anchor.

MOTEL - A facility which provides lodging to boarders for compensation, which contains more than eight (8) rooms with at least twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which

may provide meals and other services as a part of the compensation.

MUNICIPAL SERVICES - Those uses and facilities designed to furnish necessary support for the general public health, safety and welfare, that are typically the responsibility of local governments and other locally-operated service agencies, and are not operated on a commercial basis. Such uses shall include, but not be limited to:

1. Township offices, meeting halls, garages, and storage yards.
2. Police, fire and ambulance stations.
3. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses.
4. Outdoor community service facilities and activities, including fairgrounds, community bulletin boards and other similar uses.
5. Uses accessory to the above-permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers and other similar uses.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of this Ordinance, and includes any subsequent improvements thereto.

NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is 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 may also provide for on-site consumption of food. Additionally, nightclubs can offer the retail sale of carry out beer and wine as an accessory use. This is meant to include 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. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses;
2. The business shall employ no employees other than family members residing in the dwelling;
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature;
4. There shall be no outside appearance as a business use, including, but not limited to, parking, signs, or lights;
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood;
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood;
7. The business shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area; and,

8. The business may not involve any illegal activity.

NONCOMMERCIAL KEEPING OF LIVESTOCK - An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site.

NONCONFORMING LOT - A lot 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 Zone in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed 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. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore 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.

NONCONFORMITY, DIMENSIONAL - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

NURSING, REST OR RETIREMENT HOMES - Facilities designed for the housing, boarding, and dining associated with some level of nursing care that is licensed by the Pennsylvania Department of Public Welfare..

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFFICE - A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

OFF-STREET LOADING SPACE - An off-street area provided for the loading or unloading of goods and/or materials that has direct usable access to a use's loading docks and/or doors and is connected to a street or alley by an access drive. This definition shall also expressly include any area that directly adjoins the loading docks and/or doors that is necessary for the vehicles to maneuver into place with the uses's loading docks and/or doors. This definition shall not include the access drives on the site that do not directly adjoin the loading docks and/or doors unless they require vehicles to move in a reverse direction to negotiate access to and from the loading docks and/or doors.

OFF-TRACK BETTING AND/OR SLOT MACHINE PARLOR - A commercial use at which

persons can visit to wager upon, and observe by remote television, the outcomes of events that are taking place elsewhere and/or engage in the play of on-site slot machines as regulated by the Pennsylvania Gaming Control Board.

ON-LOT SEWER SERVICE - The disposal of sewage generated by one principal use with the use of safe and healthful means within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-LOT WATER SERVICE - The provision of a safe, adequate and healthful supply of water to a single principal use from a private well.

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

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

ONE HUNDRED (100) YEAR FLOOD ELEVATION - The water surface elevations of the one hundred (100) year flood.

OPEN PIT MINING - A principal mining use that involves the following excavation and related processes:

1. the removal of topsoil and overburden to facilitate;
2. the permanent removal, processing, sale and/or exchange of noncoal mineral resources; and,
3. the reclamation of the site in a stable condition as required by the Noncoal Surface Mining Conservation and Reclamation Act.

OPEN SPACE - A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building, or the complete area of an undeveloped parcel.

OVERBURDEN - The strata or material overlapping a noncoal mineral deposit or in between noncoal mineral deposits in its natural state and material before or after its removal by surface mining.

OVERSIZE PARKING SPACE – An off-street parking space designed to accommodate a vehicle with one or more of the following characteristics:

1. A registered gross weight in excess of seventeen thousand one (17,001) pounds;
2. Having a length in excess of twenty (20) feet;
3. Having a height of more than eleven (11) feet, six (6) inches;
4. Having a width of more than eight (8) feet nine (9) inches; and/or,
5. Showing a windshield weight class sticker with a number above six (6).

PA DEP - Pennsylvania Department of Environmental Protection.

PARENT TRACT – A property that existed on the effective date of this Ordinance, from

which lots can be created through subdivision, with the remaining land referred to as residual.

PARKING COMPOUND - A primary retail sales business where passenger vehicles may be stored for short-term, daily, or overnight off-street parking, and connected to a street by an access drive.

PARKING LOT - An accessory use in which required, and possibly, additional parking spaces are provided subject to the requirements listed in Section 311 of this Ordinance.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PARKS AND PLAYGROUNDS - Those facilities designed and used for recreation purposes by the general public that are not operated on a commercial basis. This definition is meant to include the widest range of recreational activities, excluding adult-related uses, amusement arcades, amusement or theme parks, golf courses, off-track betting parlors, racetracks, and shooting ranges. Such uses may include:

1. Outdoor park and recreation facilities, including athletic fields, courts, playgrounds, open play areas, stadiums, skating rinks, skateboard, stunt-bicycle or BMX-bicycle courses and other similar uses.
2. Indoor recreation facilities, including community centers, gymnasiums, weight and fitness rooms, tennis courts, gymborees, game rooms, bowling alleys, skating rinks, locker rooms, and other similar features.
3. Outdoor passive recreation facilities, including picnic pavilions, hiking, biking and fitness trails, park benches, fountains, statues and other memorials, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, and other similar uses.
4. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses.
5. Outdoor community service facilities and activities, including fairgrounds, community bulletin boards and other similar uses.
6. Indoor and outdoor swimming pools, including related amenities, like bathhouse, wading pools, spas, snack bars, and other similar uses.
7. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers, and other similar uses.

PennDOT - Pennsylvania Department of Transportation.

PERMITTED USE – A use allowed by right within a Zone.

PERSON – An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PESTICIDE - Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

PETROLEUM PRODUCT - Oil petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PLANNING COMMISSION - The Planning Commission of West Pennsboro Township.

PLANNED CENTER - A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit. Such centers also may include "planned center signs" as regulated herein.

PRE-COMMERCIAL TIMBER STAND IMPROVEMENT - A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand, but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

PREMISES - The property upon which an activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premise advertising:

1. Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
2. Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.
3. Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is non-buildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

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

PROCESSING - A function which involves only the cleaning, sorting, sizing and/or packaging of products and materials.

PROFESSIONAL BIOLOGIST - An individual with at least a graduate degree in aquatic and/or terrestrial biology and/or ecology, and with a depth of knowledge in organisms and the processes of ecological systems.

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 on zoning-related matters.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, and subsequent amendments.

PUBLIC NOTICE - Notice published once each week for two successive weeks in a

newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven days from the date of the hearing. Public notice for rezoning, special exception and/or variance requests shall also include the posting of a sign(s) at a conspicuous location(s) upon the subject property to notify potentially interested citizens; this sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

PUBLIC SEWER - A municipal sanitary sewer or a comparable community or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority or which is approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy, cable television or land-based telecommunications. This definition expressly excludes antennas or towers devoted to cellular telecommunications.

PUBLIC WATER - A municipal water supply system, or a comparable community water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

RADIOACTIVE MATERIAL - Any natural or artificially produced substance which emits radiation spontaneously.

RECREATIONAL VEHICLE - A vehicle that is:

1. built on a single chassis;
2. for the purposes of Section 230 (Floodplain Overlay Zone) not more than 400 square feet as measured at the largest horizontal projections, and designed to be self-propelled or permanently towable by a light-duty truck; and,
3. not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

RECYCLABLES - Discarded materials that have entered a reasonably continuous process whereby their reuse is imminent.

REGULATORY FLOOD ELEVATION - The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1-1/2') feet.

RENTAL - A procedure by which services or personal property are temporarily transferred to another person for a specific time period for compensation.

REPAIR - A function involved in correcting deficiencies of products that affect their performance and/or appearance.

RESTAURANT - An establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five percent (5%) of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition.

RESTAURANT - DRIVE-THRU OR FAST-FOOD - An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off the site.

RETAIL SALES - Those businesses whose primary activities involve the display and sales of goods and products to the general public. This term shall not include adult-related uses as defined herein.

RETAIL SERVICES - Those businesses whose primary activities involve the delivery of intellectual or manual labor by the server to the general public. This term shall expressly include but not be limited to personal services but will not include adult-related uses and automobile service, as defined herein.

RETAINING WALL – A man-made structure used to stably contain land at a location of substantial elevation change.

RIDING STABLE - A principal use whereby equestrian instruction is offered and horses are kept, bred, trained and/or exercised upon land not occupied by the owner of the horse(s).

RIGHT-OF-WAY - A corridor of publicly owned or eased land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also “Street Line.”)

RURAL OCCUPATION - A business or commercial activity that is conducted as an accessory use to a principal single-family detached residence, and is located within an outbuilding of such residence.

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. Such device shall be used to transmit and/or receive radio or electro-magnetic waves between land and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVRO's, and satellite microwave antennas.

SCHOOL - A principal use in which supervised education or instruction is offered according to the following categories:

1. Commercial School: A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the school district.
2. Private School: A school that offers elementary, secondary, post-secondary and/or post graduate education that may, or may not, be operated as a gainful business.
3. Public School: A school licensed by the Department of Education for the purpose of providing elementary, secondary, and adult education, and operated by the School District.
4. Vocational-Mechanical Trade School: A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
 - A. Truck driving;
 - B. Engine repairs;
 - C. Building construction and general contracting;
 - D. Woodworking;
 - E. Masonry;
 - F. Plumbing;
 - G. Electrical contracting;
 - H. Nursing and health care;
 - I. Cosmetology;

- J. Horticulture; and,
- K. Other similar trades, as determined by the Zoning Hearing Board pursuant to Sections 107 and 604.5 of this Ordinance.

SEASONAL RESIDENCE - A dwelling, cabin, lodge or summer house which is intended for occupancy less than one hundred eighty two (182) days of the year.

SETBACK - The required horizontal distance between a setback line and a property or street right-of-way line.

Setback, Front: The distance between the street line and the front setback line projected the full width of the lot. Commonly, called "required front yard."

Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "required rear yard."

Setback, Side: The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "required side yard."

SETBACK LINE - A line within a property and parallel to a property or street line which delineates the required minimum distance between some particular use of property and that property or street line.

SHADE TREE - A deciduous tree that shall have a clear trunk at least five feet (5') above the finished grade.

SHOOTING RANGE - A place where members of the public, for a fee or by invitation, can discharge firearms for recreation, competition, skill development, and training. For the purpose of this Ordinance, a firearm shall include any instrument that uses a propelling charge to move a projectile (e.g., rifle, gun, shotgun, pistol, air gun, or archery). A shooting range does not include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania. This definition does not include the legal discharge of firearms on private property.

SHOPPING CENTER - A group of stores planned and designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit, as well as any single retail store in excess of 75,000 square feet of gross floor area.

SIGN - A device for visual communication that is used to bring the subject to the attention of the public, but not including lettering or symbols that are an integral part of another structure, or flags or other insignia of any government, fraternal, or similar organization.

Canopy Sign – An attached sign to a door overhang or canopy.

Flat Roof Sign – A sign that is generally parallel to the roof to which it is attached.

Flat Wall Sign – A sign that is generally parallel to the wall to which it is attached.

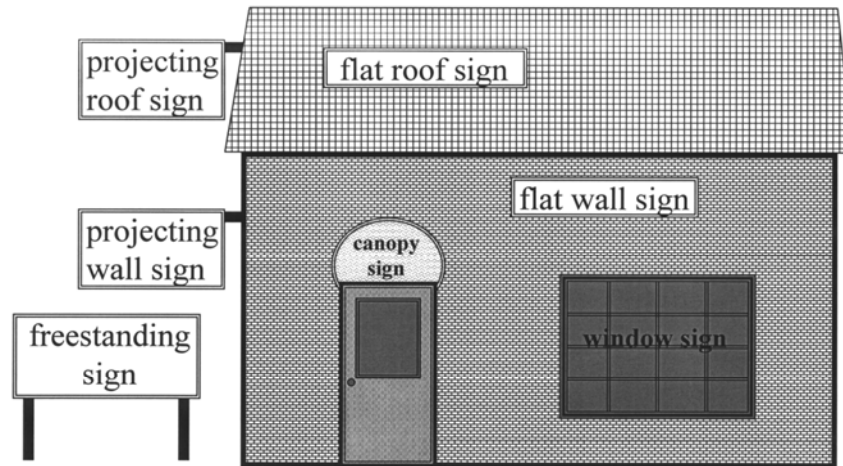
Freestanding Sign – A sign that has its own means of support and is not attached to the building.

Projecting Roof Sign – A sign that extends generally perpendicular from the roof to which it is attached.

Projecting Wall Sign – A sign that extends generally perpendicular from the wall to which it is attached.

Window Sign – A sign that is displayed on the outside of a window.

SIGN TYPES DIAGRAM



SINGLE AND SEPARATE OWNERSHIP - The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot. Ownership shall be considered separate and distinct where lots have been separately described as such, by metes and bounds, in a recorded deed or conveyance prior to the enactment of this Ordinance, or an amendment thereto, and have continued since that date to be so separately described in all subsequent recorded deeds of conveyance.

SKIDDING - Dragging trees on the ground from the stump to the landing by any means.

SLDO - The latest version of the West Pennsboro Township Land Development / Subdivision Ordinance as may be amended from time to time.

SLASH - Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

SOIL SURVEY - The latest published version of the United States Department of Agriculture's *Soil Survey for Cumberland County, Pennsylvania*.

SPECIAL EXCEPTION - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 604.3. of this Ordinance.

SPECIFIED ANATOMICAL AREAS - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - For the purposes of this Ordinance, this term shall include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
5. Masochism, erotic or sexually-oriented torture, beating, or the infliction of pain; or
6. Erotic or lewd touching, fondling or other contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

STAND - Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STORAGE - A function involving the deposition of materials, goods and/or products for safekeeping.

STORY - That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story, having seventy-five percent (75%) or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plate of which on at least two (2) opposite exterior walls is not more than two feet (2') above such story.

STREAM - Any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and bank.

STREET - Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way, or private right-of-way, used or intended to be used by vehicular traffic and/or pedestrians.

STREET CENTERLINE - The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

STREET LINE (Right-of-Way Line) - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STRIP AND BORROW MINING - A principal mining use that involves the following excavation and related processes:

1. the temporary removal and nearby storage of topsoil and overburden to facilities;
2. the permanent removal, processing sale and/or exchange of noncoal mineral resources; and,
3. the re-depositing of topsoil and overburden in a reclaimed and stable condition, as required by the Noncoal Surface Mining Conservation and Reclamation Act.

STRUCTURE - Anything constructed or erected on the ground or attached to the ground. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to the land. Structures include but are not limited to buildings, sheds, cabins, mobile homes and trailers, dams, culverts, roads, railroads, bridges, storage tanks, and signs. Structures shall not include such things as fences, sandboxes, decorative fountains, swing sets, birdhouses, birdfeeders, mailboxes, and any other similar non-permanent improvements.

Structure, Accessory: A structure associated with an accessory use, (e.g., swimming pools, patios, antennas, tennis courts, garages, utility shed, etc.).

Structure, Principal: A structure associated with a primary use.

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 by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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.

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,' 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."

SWIMMING POOL - Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half feet (1½'). Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TAVERN - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no live entertainment shall be permitted.

TESTING - A function involving the examination and assessment of qualities, performances and/or capabilities of a product, good or material.

TIMBER HARVESTING, TREE HARVESTING OR LOGGING - That part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products that results in the disturbance of more than 5000 square feet of lot area. This definition shall not apply to emergency tree cutting as regulated by Section 323.5. of this Ordinance.

TOWNSHIP - West Pennsboro Township.

TRASH, GARBAGE AND REFUSE - Any material that, because of its age or condition, is of little value and usefulness. Some common examples include, but are not limited to:

1. Inoperable machinery and appliances.
2. Rusted, or bent, metals, tools, and barrels.
3. Used automobile tires and batteries.

4. Empty beverage, food and other containers.
5. Weathered, broken or used building materials.
6. Spoiled or discarded food products.
7. Used, torn or discarded garments, rags and other fabric products.
8. Worn or broken furniture.
9. Used or discarded newspaper, magazines and other paper products.

TREE TOP - The upper portion of a felled tree that is not marketable because of small size, taper or defect.

TRUCK OR MOTOR FREIGHT TERMINAL – A principal use:

1. to which materials and products are imported for their redistribution and export by commercial truck or other modes of transport; or,
2. whereby a fleet of commercial vehicles is maintained for their dispatch on an as needed or contractual basis.

TRUCK STOP – A principal use that is primarily designed and operated for the refueling of commercial vehicles on a retail basis but which may also include other related services (e.g. rest area, vehicle washing, restaurants, amusement arcades, incidental vehicle repair, laundromats and etc.)

TRUCK TRANSFER FACILITY – A principal use whereby tractor trailers transport entire trailers to the site for temporary storage before pick-up of the entire trailer by another tractor to another destination.

TWO-FAMILY CONVERSION - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

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

Use, Principal: The main or primary use of property or structures.

VARIANCE - A modification of any provision of this Ordinance granted by the Zoning Hearing Board subject to findings specified by the Act.

VETERINARIAN - A practitioner licensed by the State of Pennsylvania who is qualified and authorized to treat diseases and injuries of animals.

VETERINARY OFFICE - Any building or group of buildings which is used primarily for the treatment of animals by a veterinarian. The facilities must include a veterinarian's office and may include indoor areas and outdoor areas used for the purpose of treatment, care, breeding, raising and/or boarding of animals.

WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid, semi-solid, contained gaseous and liquid materials resulting from municipal, industrial, institutional, commercial, agricultural, residential, and other activities. Such wastes shall also include biological excrement and hazardous waste materials, as defined in the *Code of Federal Regulations*, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended. Waste shall expressly include those materials defined, at any given time, as "waste" by the Pennsylvania Department of Environmental Protection and the U. S. Environmental Protection Agency. For the purposes of this Ordinance, the difference between "waste" and "junk" or "recyclables" is that waste shall include materials that have entered a reasonably continuous process by which

their ultimate disposal is imminent; whereas, junk includes materials that may be stored for longer periods of time awaiting potential reuse or ultimate disposal; and whereas, recyclables include materials that have entered a reasonably continuous process whereby their reuse is imminent.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water carrying or holding surface water, whether natural or artificial.

WATERSHED - All the land from which water drains into a particular watercourse.

WECS UNIT (Wind Energy Conservation System) - Any device which converts wind energy to mechanical or electrical energy and shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

WETLAND MARGINS - The transitional area extending from the outer limit of a delineated wetland. For the purpose of this Ordinance, the wetland margin shall extend fifty feet (50') from the wetland boundary or to limit of the hydric soils outside the boundary, whichever is less.

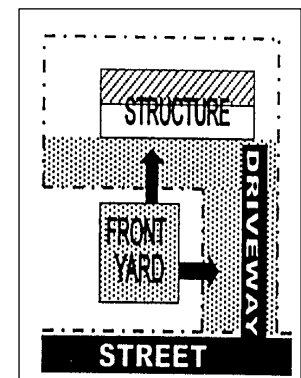
WETLANDS - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas, and which may be identified as jurisdictional wetlands using methods described in the 1989 edition of the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Government Printing Document #024-010-00-683-8).

WHOLESALE - Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

WINDOW - An opening to the outside other than a door which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

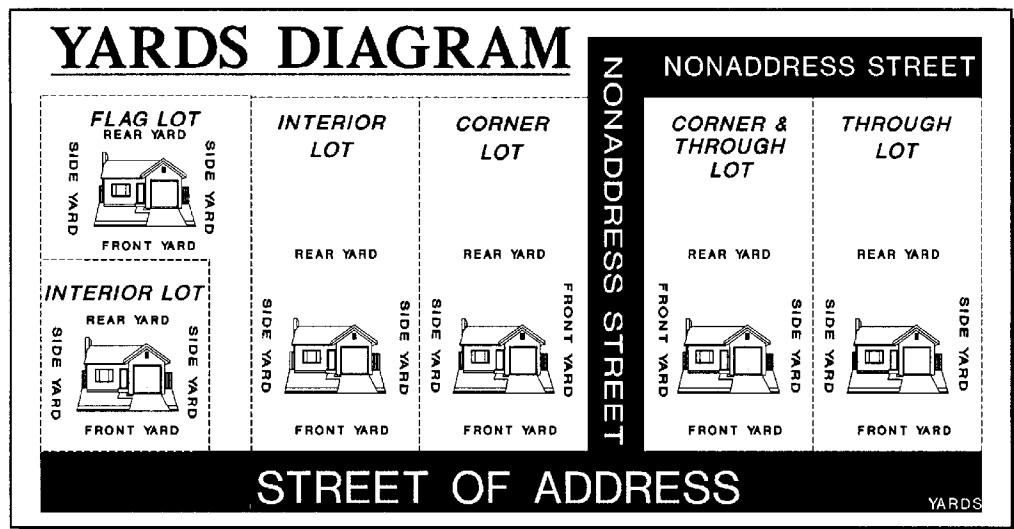
YARD - An area between the permitted structures and the property lines.

Yard, Front: The area extending the full width of the lot contained between the principal structure and the street right-of-way line, except that where a portion of the site has a front property line that is located away from the street right-of-way and runs generally parallel to the street, the front yard shall also include that area that is located between the principal structure and the front property line that generally parallels the street (see adjacent diagram).



Yard, Rear: The area contained between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be that area between the principal structure and that lot line which is directly opposite the above-described front yard.

Yard, Side: The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the nonaddress street(s). For flag lots, the side yards shall be the 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.



YARD SALE – The display of personal possessions, and those of friends, relatives and neighbors, for sale to the general public upon the property of one’s residence.

ZOO – A facility in which animals are kept for public display. In addition, this use can also include the conduct of other occasional special events. In addition, this use also includes accessory uses (eg. eateries, exhibits, and shops). In addition, this use can also include for the provision of resident employee and guest lodging services for both humans and animals incidental to the visit or stay on the site. Finally, this use may also include veterinary care for animals kept or visiting the site.

ZONING - The designation of specified districts within the Township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING HEARING BOARD - A group of three (3) West Pennsboro Township residents appointed by the governing body as required by the Pennsylvania Municipalities Planning Code, Act No. 247.

ZONING MAP - The map setting forth the boundaries of the Zoning Districts of the municipality which shall be part of this Ordinance.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.

ZONING PERMIT - A statement signed by the Zoning Officer indicating an application for permission to construct, alter, erect a building, structure or to use land as has been approved and is in accordance with the provisions of the Ordinance.

Article 2

Zone Regulations

Section 200 Agricultural Zone (A)

200.1. **Purpose** - The primary purpose of this Zone is to blend productive farmlands with rural residences in outlying areas of the Township. Within this Zone, a wide variety of agricultural activities are permitted, some of which require special exception approval, due to their potential for impact to adjoining rural residences. Residential development is permitted at low densities due to a lack of public utilities. The provisions of this zone have been specifically formulated to satisfy Section 604.(3) of the Pennsylvania Municipalities Planning Code, which requires local zoning ordinances to “preserve prime agriculture and farmland considering topography, soil type, and classification, and present use.

200.2. **Permitted Uses**

1. **Agriculture and horticulture, including one single-family detached dwelling on the site. This use shall also expressly include:**
 - A. Concentrated animal feeding operations (CAFOs) as defined herein provided that the applicant provides a copy of an approved permit from the Pennsylvania Department of Environmental Protection, Bureau of Water Quality and the proposed use maintains compliance with the federal regulations governing CAFOs; and/or,
 - B. Concentrated animal operations (CAOs) as defined herein provided that the applicant provides written evidence of an approval of the applicant's nutrient management plan from the County Conservation District or the Pennsylvania Conservation Commission and the applicant maintains compliance with the Pennsylvania Nutrient Management Act No. 38.
2. **Forestry uses, subject to the requirements of Section 323 of this Ordinance;**
3. **Municipal services, parks and playgrounds, grange halls and buildings for other agriculturally-related groups;**
4. **Cemeteries, churches and related uses;**
5. **Public and private schools with a maximum lot area of two (2) acres.**
6. **Public utilities structures;**
7. **For lots that existed on the effective date of this ordinance, single family detached dwellings are permitted subject to those limitations described in Section 200.12. of this Ordinance, all of which are subject to the applicable design standards listed in Section 200.10. of this Ordinance. Beyond those units permitted by Section 200.12. of this Ordinance, additional dwelling units are permitted by conditional use in accordance with Sections 200.4.2. and 414 of this Ordinance.**
8. **Country estates, as defined herein;**
9. **Single family detached dwelling units that existed on the effective date of this Ordinance.**
10. **Bed and breakfasts, as defined herein, subject to the following:**
 - A. The proposed use must be located within a detached dwelling unit that is located upon its own parcel or upon the parcel of a farm;
 - B. The dwelling may be enlarged, provided that all modifications to the external appearance of the building (except fire escapes) would not

- alter its residential character;
- C. All floors above or below grade shall have a permanently-affixed, direct means of escape to ground level, and working smoke detectors on each floor;
- D. The owner of the use, or the owner's agent, must reside immediately adjacent to or within the building containing the bed and breakfast use;
- E. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit. Such parking spaces shall be set back a minimum of ten feet (10') from all property lines and screened from adjoining roads and properties;
- F. A bed and breakfast may erect one (1) sign no larger than twelve (12) square feet in size, which must be set back ten feet (10') from all lot lines;
- G. Breakfast shall be offered only to registered overnight guests;
- H. The applicant shall furnish evidence that an approved means of sewage disposal shall be used. If the proposed use is to be served by an on-lot sewage disposal system, the applicant must obtain a report from the West Pennsboro Township Sewage Enforcement Officer that either the existing or the proposed on-lot sewage disposal system has sufficient capacity and is of sound condition to adequately serve the proposed use;
- I. The applicant shall furnish evidence that an approved means of potable water supply shall be used. If the proposed use is to be served by well water, the applicant must obtain a report from a qualified water testing facility that either the existing or the proposed well has sufficient capacity and is of sound condition to adequately serve the proposed use;
- J. The applicant shall furnish proof of approval from the PA Department of Labor and Industry;

11. Kennels, as defined herein, subject to the following:

- A. All animal boarding buildings that are not completely enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard;
- B. All animal boarding buildings that are not completely enclosed, and any outdoor animal pens, stalls, or runways shall be a minimum of four hundred feet (400') from all property lines;
- C. The applicant shall furnish evidence of an effective means of animal waste collection and disposal which shall be continuously implemented;
- D. The applicant shall furnish evidence of an effective means to dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture;
- E. The minimum lot area shall be ten (10) acres;
- F. The applicant shall submit a written working plan that demonstrates how the proposed use will operate in compliance with the Township's Dog Ordinance; and,
- G. All kennels must maintain proper licensure from Cumberland County;

12. Riding stables, as defined herein, subject to the following:

- A. The minimum lot area shall be ten (10) acres;
- B. Any structure used for the boarding of horses shall be set back at least fifty feet (50') from any property line;
- C. All stables shall be maintained so to minimize odors perceptible at the property line;
- D. The applicant shall furnish evidence of an effective means of animal waste collection and disposal which shall be continuously implemented;
- E. The applicant shall furnish evidence of an effective means to dispose

- dead animals according to the regulations of the Pennsylvania Department of Agriculture; and,
- F. All parking compounds and unimproved overflow parking areas shall be set back at least ten feet (10') 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;
- 13. Two-family conversion - A detached single-family dwelling that existed on the effective date of this Ordinance, and contained (at that time) at least two thousand five hundred (2,500) square feet, may be converted into two (2) dwelling units, subject to the following:**
- A. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
- B. No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- C. All floors above grade shall have direct means of escape to ground level;
- D. Four (4) off-street parking spaces shall be provided; and,
- E. The applicant shall obtain any required land development approvals;
- 14. Communication antennas that are co-located upon existing structures (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), provided:**
- A. The applicant submits a copy of the written agreement with the land-owner upon whose structure the antenna is to be located;
- B. The applicant shall be required to demonstrate that it is licensed by the Federal Communications Commission to operate the proposed use;
- C. The applicant shall demonstrate that the proposed use will comply with the applicable standards governing human exposure to electromagnetic radiation by the Federal Communications Commission;
- D. The applicant shall demonstrate that the proposed use will comply with all Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable Airport Zoning Regulations; and,
- E. The applicant shall furnish a sealed statement from a registered engineer that the construction methods or other measures used will prevent the toppling of any communication tower onto adjoining properties and/or roads, and prevent the wind-borne scattering of ice onto adjoining properties and/or roads;
- 15. Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:**
- A. Roadside stands for the seasonal sale of agricultural products shall be permitted, subject to the following:**
1. Roadside stands shall not exceed three hundred (300) square feet of total display area;
2. Roadside stands must be located at least ten feet (10') from the right-of-way line and must have at least three (3) off-street parking spaces; and,
3. A maximum of two (2) signs will be permitted and shall not exceed fifteen (15) square feet in total area, nor exceed a maximum height of fifteen feet (15').
- B. Family day-care facilities, as defined herein;**

C. Manure storage facilities, if contained upon a farm, and subject to the following regulations:

1. The applicant shall submit written evidence from a professional engineer licensed to practice within the Commonwealth of Pennsylvania, that the design and construction of the manure storage facility shall be in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection;
2. All manure storage facilities associated with a concentrated animal operation (as defined herein) shall require written evidence of an approval of the applicant's nutrient management plan from the County Conservation District or the Pennsylvania Conservation Commission under Title 25, Chapter 83, Subchapter D. of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations;
3. All manure storage facilities shall be operated and maintained in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection; and,
4. Any design changes during construction or subsequent operation will require the obtainment of another zoning permit subject to the applicable regulations of this Section;

D. Beekeeping, subject to the following:

1. It shall be the duty of the applicant to maintain each colony so as to not create a public nuisance;
2. Colonies shall be maintained in movable hives;
3. Hives shall be situated to maximize sunshine exposure and/or natural wind protection;
4. In no case shall hives be located within twenty-five feet (25') of any property line;
5. All bee hives must be registered in accordance with the PA Department of Agricultural, Entomology Section; and,
6. Hives shall not be oriented to children's play areas.

E. ECHO housing, as defined herein, subject to the following:

1. The elder cottage shall be of portable construction and may not exceed nine hundred (900) square feet of floor area, or it shall be provided as a separate unit within a dwelling or accessory building, existing on the effective date of this Ordinance;
2. The total building coverage for the principal dwelling, any existing accessory structures and the elder cottage together shall not exceed the maximum lot coverage requirement for the respective zone;
3. The elder cottage shall be occupied by:
 - a. one person who is at least 50 years of age, handicapped and/or disabled person who is related by blood, marriage or adoption to the occupants of the principal dwelling; or
 - b. the caregiver who is related by blood, marriage or adoption to the elderly, handicapped or disabled occupant(s) of the principal dwelling;
4. The elder cottage shall be occupied by a maximum of two (2)

people;

5. For sewage disposal and water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling; no separate utility systems or connections shall be constructed or used, unless required by the PA DEP. All connections shall meet the applicable utility company standards. If on-site sewer or water systems are to be used, the applicant shall submit evidence that the total number of occupants in both the principal dwelling and the elder cottage 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 be subject to the review and approval of the sewage enforcement officer;
6. A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling;
7. Unless provided within an existing building, the elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses;
8. The elder cottage shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use; and,
9. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

F. Farm occupations, as defined herein, if conducted as an accessory use to a principal agricultural use of the property with a minimum of ten (10) acres, and subject to the following:

1. Residents and up to four (4) nonresidents may be employed by the farm occupation;
2. The use must be conducted within one (1) completely enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred feet (100') from any adjoining roads or properties;
3. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued;
4. No part of a farm 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 R-1, R-2, MHP or MU Zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line;
5. The farm occupation shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the farm occupation and the farm shall not be calculated as land serving the farm

- occupation;
6. No more than fifty percent (50%) of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces;
 7. One (1) non-illuminated sign not exceeding twelve (12) square feet shall be permitted and must be set back at least ten feet (10') from all property lines;
 8. For farm parcels of up to fifty (50) acres in size, while the farm occupation is in operation, no nonfarm subdivision of the site shall be permitted; and,
 9. The applicant is required to submit written information 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 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 farm 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 occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

G. Rural occupations, as defined herein, subject to the following:

1. Only one (1) rural occupation may be conducted on the same property as the owner's principal residence;
2. A rural occupation shall only be conducted within one completely enclosed outbuilding that satisfies at least one (1) of the following:
 - a. The building will remain the same size and in the same location as it existed on the effective date of this section; or
 - b. The building is limited to one (1) story in height or fifteen feet (15'), whichever is lesser, is no larger than the square footage that comprises the principal residence's main grade level, is located in the rear yard of the principal residence, and is set back at least fifty feet (50') from any side or rear lot lines. All applicants are required to design buildings that are compatible with their residential settings;
3. In no case shall any new rural occupation building be constructed before the owner resides on the subject property. In addition, rural occupations may only be conducted so long as the sole owner of the business resides on the site;
4. In no case shall the required maximum lot coverage be exceeded by those impervious surfaces associated with the principal residence, rural occupation and/or other accessory uses;
5. All off-street parking and loading spaces shall be screened from adjoining roads and properties;
6. No outdoor storage or display shall be permitted except that one (1) commercial truck of not more than eleven thousand (11,000) pounds gross vehicle weight may be parked behind the principal residence, so long as it is screened from adjoining roads and properties;
7. One (1) non-illuminated sign not exceeding twelve (12) square feet shall be permitted and must be set back at least ten feet (10') from

all property lines;

8. No rural occupation and its principal dwelling shall generate more than twenty (20) vehicle trips per day to or from the site. The applicant shall furnish a written and signed statement regarding the expected numbers of vehicle trips associated with the proposed use;
9. Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the principal residence. No additional roadway connections shall be permitted;
10. Up to two (2) nonresidents of the site may be employed in the rural occupation;
11. Rural occupations shall only be conducted between the hours of 6:00 a.m. and 9:00 p.m.;
12. No manufacturing, mechanical, or industrial use shall be permitted which causes any noise, odor, glare, fume, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at or beyond the line of the nearest residential lot. No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances, shall be permitted, except for wastewater treatment; and,
13. The applicant is required to submit written information 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 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 rural occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the rural occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

H. Home occupations, as defined herein, subject to the following:

1. The use shall be clearly incidental to the primary use of the premises as a dwelling for living purposes;
2. Up to two (2) nonresident employees shall be permitted;
3. No more than one (1) home occupation may be located in any dwelling unit;
4. The home occupation shall not alter the appearance of the building as a dwelling unit;
5. No mechanical equipment shall be employed in a home occupation, other than that customarily utilized for hobby or domestic purposes;
6. No sales of any goods or merchandise shall occur on the premises that would require customer visitation to the site, other than those goods or merchandise which are produced on the premises. Uses that involve the retail sales of seasonal and/or holiday items for one period not to exceed thirty (30) days in any calendar year are permitted only by conditional use (see Section 428);

7. No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress or tailor;
8. No goods shall be displayed so as to be visible from the exterior of the premises;
9. Home occupations shall be limited to not more than twenty-five percent (25%) of the floor area of the dwelling unit;
10. No accessory building or structure shall be utilized as a home occupation, except that an accessory building or structure may be used as storage area for the home occupation, provided that said area shall be included in the total area permitted for a home occupation use, and further, that no such accessory building or structure shall be accessible to the public for business purposes;
11. In addition to the required parking spaces for the dwelling unit, one (1) parking space for each nonresident employee and patron on site at one time shall be provided;
12. One (1) non-illuminated sign not exceeding twelve (12) square feet shall be permitted and must be set back at least ten feet (10') from all property lines;
13. The applicant shall submit evidence of all applicable State approvals; and,
14. The applicant is required to submit written information 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 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 home occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the home occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

I. Noncommercial keeping of livestock, as defined herein, subject to the following:

1. Minimum Lot Area - One (1) acre for group 1 and 2 animals – Two (2) acres for group 3 animals; additionally, the following list specifies additional requirements by size of animals kept:
 - GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals;
 - GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals; and,
 - GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of ten (10) animals.

The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than fifty (50) total animals. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply;

2. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house non-commercial livestock:

GROUP 1 Animals

Up to 25 animals, a twenty-five foot (25') setback;

Above 25 animals, a fifty foot (50') setback;

GROUP 2 Animals

Up to 2 animals; a twenty-five foot (25') setback;

Above 2 animals; a fifty foot (50') setback; and,

GROUP 3 Animals

Fifty feet (50').

3. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard;
4. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals;
5. The applicant shall furnish evidence of an effective means to dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture; and,
6. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

J. Temporary farm employee housing, if contained on a farm, subject to the following standards:

1. For each farm, one (1) manufactured home is permitted for the use of farm workers (and their families) who are employed by the owner of the farm, for such time as the employee works the land of the owner;
2. All such units shall be located within the rear yard of the farm dwelling and shall further comply with all setback requirements imposed upon single-family detached dwellings;
3. Such manufactured homes shall be securely anchored to a manufactured home stand; a six inch (6") thick poured concrete slab over a six inch (6") stone base, the length and width of which shall be at least equal to the dimensions of the manufactured home. Each manufactured home pad shall include properly-designed utility connections;
4. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized; and,
5. The manufactured home shall be occupied at least one hundred twenty (120) days a year by at least one (1) person who is employed on the farm where the manufactured home is located. If this condition is not satisfied, the manufactured home shall be removed within one hundred twenty (120) days.

K. Gardening and raising of plants for personal use; and,

L. No-impact home-based business, as defined herein.

- 200.3. Special Exception Uses** (Subject to the requirements listed in Section 604.3. of this Ordinance.)
1. **Campgrounds (see Section 411);**
 2. **Commercial produce operations (see Section 416); and,**
 3. **Communication towers and equipment that are not co-located upon an existing structure (see Section 418);**
 4. **Farm equipment or lawn and garden sales and service (see Section 422);**
 5. **Golf courses and driving ranges (see Section 424);**
 6. **Nursery and garden center (see Section 436); and,**
 7. **Veterinary offices and animal hospitals (see Section 452).**
- 200.4. Conditional Uses** (Subject to the requirements listed in Section 705 of this Ordinance.)
1. **Airports/heliports (see Section 402);**
 2. **Cluster developments (see Section 414);**
 3. **Septage and compost processing (see Section 445);**
 4. **Shooting ranges (see Section 446).**
- 200.5. Maximum Permitted Height** (subject to modification under Section 304 of this Ordinance)
1. **Principal structures** - One hundred fifty feet (150') for uninhabitable farm structures, and thirty-five feet (35') for other structures. Further provided that every structure that exceeds thirty-five (35) feet in height is set back from each property line a distance equal to its height; and,
 2. **Accessory structures** - Twenty-five feet (25'); provided however, that every accessory structure higher than fifteen (15) feet shall be setback a minimum horizontal distance equal to its height from the closest side and rear lot line.
- 200.6. Agricultural Setback Requirement** - On any separate nonfarm parcel:
1. no shrub shall be planted within ten feet (10') of any land used for agricultural purposes;
 2. no accessory residential structures or fences shall be placed within ten feet (10') of any land used for agricultural purposes; and,
 3. no tree shall be planted within thirty feet (30') of any land used for agricultural purposes.
- 200.7. Agricultural Nuisance Disclaimer** - All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, 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 the Pennsylvania Act 133 or 1982 "The Right to Farm Law" and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted with this Zone shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.
- 200.8. Required Conservation Plan** - Any agricultural, horticultural or forestry uses

which involve earthmoving activities, or the commercial harvesting or timbering of vegetation, shall require the obtainment of an approved conservation plan by the Cumberland County Conservation District pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.

200.9. All uses permitted within this zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.

200.10. **Design Requirements** - Unless otherwise specified, the following table presents applicable standards for non-cluster developments imposed by this Zone. See Section 414 for cluster developments.

Section 200.10. Design Standards for the (A) Zone							
Use	Minimum Lot Area ³	Minimum Lot Width	Maximum Lot Coverage	Minimum Yard Setbacks			
				Front	One Side	Both Sides	Rear
Agricultural and horticultural uses.	10 acres ⁵	200 ft.	10%	50 ft. ⁴	50 ft. ⁴	100 ft. ⁴	50 ft. ⁴
Municipal services, parks & playgrounds, & public utilities structures.	2,500 sq. ft.	50 ft.	40%	20 ft.	15 ft.	30 ft.	20 ft.
Single-family dwellings with on-lot sewage disposal and on-lot water service. ^{1,2}	60,000 sq. ft.	200 ft.	20%	50 ft.	30 ft.	60 ft.	35 ft.
Single-family dwellings with either central sewage disposal or central water service. ^{1,2}	30,000 sq. ft.	150 ft.	30%	50 ft.	20 ft.	40 ft.	35 ft.
Single-family dwellings with both central sewage disposal and central water service. ^{1,2}	10,000 sq. ft.	90 ft.	40%	40 ft.	10 ft.	20 ft.	35 ft.
Other permitted principal uses, including forestry	1 acre	150 ft.	20%	50 ft.	30 ft.	60 ft.	50 ft.
Accessory Uses	N/A	N/A	N/A	Not permitted in front yard.	5 ft.	10 ft.	5 ft.
<p>¹ For lots that existed on the effective date of this ordinance, single family detached dwellings are permitted subject to those limitations described in Section 200.12. of this Ordinance. New non-farm dwellings proposed shall have a maximum permitted lot area of two (2) acres subject to Section 316 of this Ordinance. Beyond this, landowners must obtain approval for a cluster development in accordance with Sections 200.4.2. and 414 of this Ordinance;</p> <p>² For single family detached dwelling units that existed on the effective date of this Ordinance.</p> <p>³All uses relying upon on-lot sewers are subject to the requirements listed in Section 316 of this Ordinance.</p> <p>⁴ Special setback requirements - Except as provided for in the following paragraph, no area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms, shall be permitted within five hundred feet (500') of any land within any residential or the Village Zones. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback to less than two hundred feet (200'). The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.</p> <p>⁵The minimum lot size for agricultural and horticultural uses may be reduced by conditional use subject to the requirements of Section 705 of this Ordinance provided that the governing body determines that the proposed use is in accordance with the PA "Right-to Farm" law.</p>							

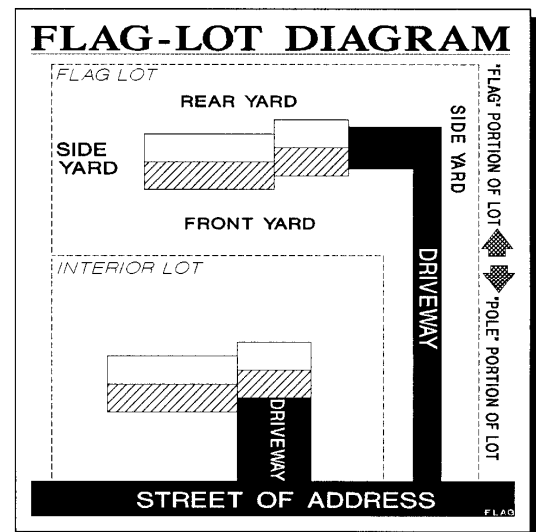
200.11. **Planning Considerations** - To enhance compatibility between proposed resi-

dential development and continued surrounding farming, each application for approval of new dwelling units/lots in accordance with Section 200.12. of this Ordinance and/or each application for conditional use approval for a cluster development within the (A) Zone shall include a scaled drawing showing all of the potential residential lots permitted on the farm, as determined in this section;

1. In reviewing proposed residential development the applicant must demonstrate to the satisfaction of the Board of Supervisors prior to approval that the design and function of the proposed development will:
 - A. Minimize the loss of valuable farmland;
 - B. Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining properties;
 - C. Minimize the length of property lines shared by all residential lots and adjoining farms;
 - D. Assure adequate vehicular access to future residences not currently proposed;
 - E. Assure that the proposed sketch plan can comply with the Subdivision and Land Development Ordinance;
 - F. Make use of existing public sewer and/or public water facilities if they are available; and,
 - G. Minimize individual driveway connections onto existing roads.
2. Within the (A) Zone, the use of flag lots is permitted only when it will enable the preservation of some important natural or cultural feature (including productive farmland), within areas not contained upon proposed new lots which would otherwise be disturbed by conventional lotting techniques;
 - A. 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;

B. Requirements for the Flag:

1. The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.
2. For purposes of determining required yards and setbacks, the following shall apply:



Front yard - The 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;

Rear yard - The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above; and,

Side yards - The 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. (See the Flag-Lot Diagram for a graphic depiction of the yard locations.)

C. 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. Requirements for the Pole:

1. The pole shall maintain a minimum width of twenty-five (25) feet.
2. The pole shall not exceed six hundred (600) feet in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.
3. 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, mailboxes, and signs.
4. The cartway contained on the pole shall be located at least six (6) feet from any adjoining property line, and twenty (20) feet from any existing structures on the site or any adjoining property.
5. No pole shall be located within two hundred (200) feet of another on the same side of the street, unless an adjoining pole utilizes a joint-use driveway, regulated as follows:

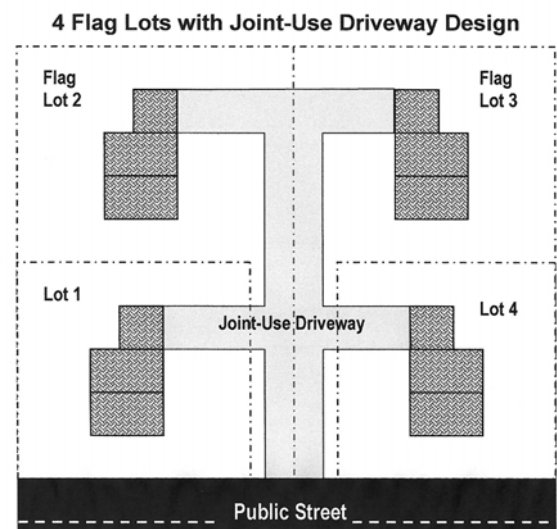
3. Joint-Use Driveways:

A. When one or more flag lots are proposed, such lots may rely upon a joint-use driveway for vehicular access.

B. A joint-use driveway must serve at least one flag-lot, but may also serve conventional lots, up to a maximum of four (4) total lots.

C. All joint-use driveways shall have a minimum easement width of fifty (50) feet and a minimum cartway width of sixteen (16) feet.

D. 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 the Township Solicitor, and depicted on the subdivision plan.



- E. Joint use driveways that exceed three hundred (300') feet in length are required to provide for a cul-de-sac turnaround with a dust free surface that has a minimum radius of fifty (50') feet.

200.12. Limitations on Subdivision and/or Land Development

1. To preserve sensitive natural features and the Township's rural character and to ensure an efficient and compact residential development pattern, it is the express intent of this Ordinance that the subdivision of new residential lots or the development of new dwelling units shall be limited without the use of clustering, regardless of whether such development is accomplished by subdivision or land development.
2. The following table shall be used to determine the permissible number of lots which may be subdivided, or the number of new principal dwelling units that may be established, respectively, within this Zone without the need to gain approval for a cluster development in accordance with Sections 200.4.2. and 414 of this Ordinance.

Lot Area (Acres)		Total number of lots that may be subdivided and/or principal dwelling units that may be established
At least	Less than	
0.46	4	Any number that can comply with the design standards contained within Section 200.10. of this ordinance.
4	10	1
10	20	2
20	30	3
30	40	4
40	50	5
50 or more		6

3. The determination of eligible land for such developments contained within the above table shall be based upon all contiguous land within the (A) Zone held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on the effective date of this Ordinance. For the purposes of this Section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:
 - A. such land is divided into one or more lots, parcels, purparts or tracts;
 - B. such land was acquired by the landowner at different times or by different deeds or other means; and,
 - C. such land is separated by public or private streets or rights-of-way.
4. If such land was not classified within the (A) Zone on the effective date of this Ordinance, the eligibility for development under this Section, shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the (A) Zone.
5. Any subdivision or land development plan hereafter filed shall specify which lot or lots shall carry a right of further subdivision or development, as provided for

in this Section of the Zoning Ordinance. Such information shall also be included in the deed for any new lots. If this information is not included on a subdivision or land development plan, it shall be presumed that the largest lot remaining after the subdivision shall carry the right of further subdivision or land development under this Section of the Zoning Ordinance;

6. The number of lots which may be created, or single-family dwellings which may be established, shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision, or land which was formerly part of a parent tract, shall be bound by the actions of his predecessor.

Section 201 Rural Residential Zone (R)

201.1. Purpose - The primary purpose of this Zone is to preserve the Township's rural character in areas where soil fertility does not warrant strict effective agricultural preservation. Here normal farming operations will blend with large-lot residences with on-lot utilities. Various rural uses are permitted if they can be conducted in a manner that does not interfere with rural residential lifestyles.

201.2. Permitted Uses

- 1. Agriculture and horticulture, including one single-family detached dwelling contained on the site.** This use shall expressly exclude:
 - A. Concentrated animal feeding operations (CAFOs) as defined herein; and,
 - B. Concentrated animal operations (CAOs) as defined herein.
- 2. Forestry uses, subject to the requirements of Section 323 of this Ordinance;**
- 3. Municipal services, parks and playgrounds, grange halls and buildings for other agriculturally-related groups;**
- 4. Churches, cemeteries and related uses;**
- 5. Public and private schools with a maximum lot area of two (2) acres.**
- 6. Public utilities structures;**
- 7. For lots that existed on the effective date of this ordinance, single family detached dwellings are permitted subject to those limitations described in Section 201.12. of this Ordinance, all of which are subject to the applicable design standards listed in Section 201.10. of this Ordinance. Beyond those units permitted by Section 201.12. of this Ordinance, additional dwelling units are permitted by conditional use in accordance with Sections 201.4.1. and 414 of this Ordinance.**
- 8. Country estates, as defined herein;**
- 9. Single family detached dwelling units that existed on the effective date of this Ordinance.**
- 10. Bed and breakfasts, as defined herein, subject to the following:**
 - A. The proposed use must be located within a detached dwelling unit that is located upon its own parcel or upon the parcel of a farm;
 - B. The dwelling may be enlarged, provided that all modifications to the external appearance of the building (except fire escapes) would not alter its residential character;
 - C. All floors above or below grade shall have a permanently-affixed, direct means of escape to ground level, and working smoke detectors on each floor;
 - D. The owner of the use, or the owner's agent, must reside immediately adjacent to or within the building containing the bed and breakfast use;
 - E. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit. Such parking spaces shall be set back a minimum of ten feet (10') from all property lines and screened from adjoining roads and properties;
 - F. A bed and breakfast may erect one (1) sign no larger than twelve (12) square feet in size, which must be set back ten feet (10') from all lot lines;
 - G. Breakfast shall be offered only to registered overnight guests;
 - H. The applicant shall furnish evidence that an approved means of sewage disposal shall be used. If the proposed use is to be served by an on-lot sewage disposal system, the applicant must obtain a report from the West Pennsboro Township Sewage Enforcement Officer that either the existing or the proposed on-lot sewage disposal system has sufficient capacity and is of sound condition to adequately serve the proposed

- use;
- I. The applicant shall furnish evidence that an approved means of potable water supply shall be used. If the proposed use is to be served by well water, the applicant must obtain a report from a qualified water testing facility that either the existing or the proposed well has sufficient capacity and is of sound condition to adequately serve the proposed use;
 - J. The applicant shall furnish proof of approval from the PA Department of Labor and Industry;
- 11. Riding stables, as defined herein, subject to the following:**
- A. The minimum lot area shall be ten (10) acres;
 - B. Any structure used for the boarding of horses shall be set back at least fifty feet (50') from any property line;
 - C. All stables shall be maintained so to minimize odors perceptible at the property line;
 - D. The applicant shall furnish evidence of an effective means of animal waste collection and disposal which shall be continuously implemented;
 - E. The applicant shall furnish evidence of an effective means to dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture; and,
 - F. All parking compounds and unimproved overflow parking areas shall be set back at least ten feet (10') 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;
- 12. Two-family conversion - A detached single-family dwelling that existed on the effective date of this Ordinance, and contained (at that time) at least two thousand five hundred (2,500) square feet, may be converted into two (2) dwelling units, subject to the following:**
- A. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
 - B. No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
 - C. All floors above grade shall have direct means of escape to ground level;
 - D. Four (4) off-street parking spaces shall be provided; and,
 - E. The applicant shall obtain any required land development approvals;
- 13. Communication antennas that are co-located upon existing structures (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), provided:**
- A. The applicant submits a copy of the written agreement with the land-owner upon whose structure the antenna is to be located;
 - B. The applicant shall be required to demonstrate that it is licensed by the Federal Communications Commission to operate the proposed use;
 - C. The applicant shall demonstrate that the proposed use will comply with the applicable standards governing human exposure to electromagnetic radiation by the Federal Communications Commission;
 - D. The applicant shall demonstrate that the proposed use will comply with all Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable Airport Zoning Regulations; and,
 - E. The applicant shall furnish a sealed statement from a registered engineer that the construction methods or other measures used will

prevent the toppling of any communication tower onto adjoining properties and/or roads, and prevent the wind-borne scattering of ice onto adjoining properties and/or roads;

14. Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:

A. Roadside stands for the seasonal sale of agricultural products shall be permitted, subject to the following:

1. Roadside stands shall not exceed three hundred (300) square feet of total display area;
2. Roadside stands must be located at least ten feet (10') from the right-of-way line and must have at least three (3) off-street parking spaces; and,
3. A maximum of two (2) signs will be permitted and shall not exceed fifteen (15) square feet in total area, nor exceed a maximum height of fifteen feet (15').

B. Family day-care facilities, as defined herein;

C. Manure storage facilities, if contained upon a farm, and subject to the following regulations:

1. The applicant shall submit written evidence from a professional engineer licensed to practice within the Commonwealth of Pennsylvania, that the design and construction of the manure storage facility shall be in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection;
2. All manure storage facilities associated with a concentrated animal operation (as defined herein) shall require written evidence of an approval of the applicant's nutrient management plan from the County Conservation District or the Pennsylvania Conservation Commission under Title 25, Chapter 83, Subchapter D. of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations;
3. All manure storage facilities shall be operated and maintained in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection; and,
4. Any design changes during construction or subsequent operation will require the obtainment of another zoning permit subject to the applicable regulations of this Section;

D. Beekeeping, subject to the following:

1. It shall be the duty of the applicant to maintain each colony so as to not create a public nuisance;
2. Colonies shall be maintained in movable hives;
3. Hives shall be situated to maximize sunshine exposure and/or natural wind protection;
4. In no case shall hives be located within twenty-five feet (25') of any property line;
5. All bee hives must be registered in accordance with the PA Department of Agricultural, Entomology Section; and,

6. Hives shall not be oriented to children's play areas.

E. ECHO housing, as defined herein, subject to the following:

1. The elder cottage shall be of portable construction and may not exceed nine hundred (900) square feet of floor area, or it shall be provided as a separate unit within a dwelling or accessory building, existing on the effective date of this Ordinance;
2. The total building coverage for the principal dwelling, any existing accessory structures and the elder cottage together shall not exceed the maximum lot coverage requirement for the respective zone;
3. The elder cottage shall be occupied by:
 - a. one person who is at least 50 years of age, handicapped and/or disabled person who is related by blood, marriage or adoption to the occupants of the principal dwelling; or
 - b. the caregiver who is related by blood, marriage or adoption to the elderly, handicapped or disabled occupant(s) of the principal dwelling;
4. The elder cottage shall be occupied by a maximum of two (2) people;
5. For sewage disposal and water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling; no separate utility systems or connections shall be constructed or used, unless required by the PA DEP. All connections shall meet the applicable utility company standards. If on-site sewer or water systems are to be used, the applicant shall submit evidence that the total number of occupants in both the principal dwelling and the elder cottage 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 be subject to the review and approval of the sewage enforcement officer;
6. A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling;
7. Unless provided within an existing building, the elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses;
8. The elder cottage shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use; and,
9. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

F. Farm occupations, as defined herein, if conducted as an accessory use to a principal agricultural use of the property with a minimum of ten (10) acres, and subject to the following:

1. Residents and up to four (4) nonresidents may be employed by the farm occupation;

2. The use must be conducted within one (1) completely enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred feet (100') from any adjoining roads or properties;
3. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued;
4. No part of a farm 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 R-1, R-2, MHP or MU Zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line;
5. The farm occupation shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the farm occupation and the farm shall not be calculated as land serving the farm occupation;
6. No more than fifty percent (50%) of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces;
7. One (1) non-illuminated sign not exceeding twelve (12) square feet shall be permitted and must be set back at least ten feet (10') from all property lines;
8. For farm parcels of up to fifty (50) acres in size, while the farm occupation is in operation, no nonfarm subdivision of the site shall be permitted; and,
9. The applicant is required to submit written information 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 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 farm 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 occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

G. Rural occupations, as defined herein, subject to the following:

1. Only one (1) rural occupation may be conducted on the same property as the owner's principal residence;
2. A rural occupation shall only be conducted within one completely enclosed outbuilding that satisfies at least one (1) of the following:
 - a. The building will remain the same size and in the same location as it existed on the effective date of this section; or
 - b. The building is limited to one (1) story in height or fifteen feet (15'), whichever is lesser, is no larger than the square footage that comprises the principal residence's main grade level, is located in the rear yard of the principal residence, and is set

back at least fifty feet (50') from any side or rear lot lines. All applicants are required to design buildings that are compatible with their residential settings;

3. In no case shall any new rural occupation building be constructed before the owner resides on the subject property. In addition, rural occupations may only be conducted so long as the sole owner of the business resides on the site;
4. In no case shall the required maximum lot coverage be exceeded by those impervious surfaces associated with the principal residence, rural occupation and/or other accessory uses;
5. All off-street parking and loading spaces shall be screened from adjoining roads and properties;
6. No outdoor storage or display shall be permitted except that one (1) commercial truck of not more than eleven thousand (11,000) pounds gross vehicle weight may be parked behind the principal residence, so long as it is screened from adjoining roads and properties;
7. One (1) non-illuminated sign not exceeding twelve (12) square feet shall be permitted and must be set back at least ten feet (10') from all property lines;
8. No rural occupation and its principal dwelling shall generate more than twenty (20) vehicle trips per day to or from the site. The applicant shall furnish a written and signed statement regarding the expected numbers of vehicle trips associated with the proposed use;
9. Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the principal residence. No additional roadway connections shall be permitted;
10. Up to two (2) nonresidents of the site may be employed in the rural occupation;
11. Rural occupations shall only be conducted between the hours of 6:00 a.m. and 9:00 p.m.;
12. No manufacturing, mechanical, or industrial use shall be permitted which causes any noise, odor, glare, fume, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at or beyond the line of the nearest residential lot. No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances, shall be permitted, except for wastewater treatment; and,
13. The applicant is required to submit written information 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 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 rural occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the rural occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

H. Home occupations, as defined herein, subject to the following:

1. The use shall be clearly incidental to the primary use of the premises as a dwelling for living purposes;
2. Up to two (2) nonresident employees shall be permitted;
3. No more than one (1) home occupation may be located in any dwelling unit;
4. The home occupation shall not alter the appearance of the building as a dwelling unit;
5. No mechanical equipment shall be employed in a home occupation, other than that customarily utilized for hobby or domestic purposes;
6. No sales of any goods or merchandise shall occur on the premises that would require customer visitation to the site, other than those goods or merchandise which are produced on the premises. Uses that involve the retail sales of seasonal and/or holiday items for one period not to exceed thirty (30) days in any calendar year are permitted only by conditional use (see Section 428);
7. No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress or tailor;
8. No goods shall be displayed so as to be visible from the exterior of the premises;
9. Home occupations shall be limited to not more than twenty-five percent (25%) of the floor area of the dwelling unit;
10. No accessory building or structure shall be utilized as a home occupation, except that an accessory building or structure may be used as storage area for the home occupation, provided that said area shall be included in the total area permitted for a home occupation use, and further, that no such accessory building or structure shall be accessible to the public for business purposes;
11. In addition to the required parking spaces for the dwelling unit, one (1) parking space for each nonresident employee and patron on site at one time shall be provided;
12. One (1) non-illuminated sign not exceeding twelve (12) square feet shall be permitted and must be set back at least ten feet (10') from all property lines;
13. The applicant shall submit evidence of all applicable State approvals; and,
14. The applicant is required to submit written information 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 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 home occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the home occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

I. Noncommercial keeping of livestock, as defined herein, subject to

the following:

1. Minimum Lot Area - One (1) acre for group 1 and 2 animals – Two (2) acres for group 3 animals; additionally, the following list specifies additional requirements by size of animals kept:

GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals;

GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals; and,

GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of ten (10) animals.

The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than fifty (50) total animals. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply;

2. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house non-commercial livestock:

GROUP 1 Animals

Up to 25 animals, a twenty-five foot (25') setback;

Above 25 animals, a fifty foot (50') setback;

GROUP 2 Animals

Up to 2 animals; a twenty-five foot (25') setback;

Above 2 animals; a fifty foot (50') setback; and,

GROUP 3 Animals

Fifty feet (50').

3. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard;
4. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals;
5. The applicant shall furnish evidence of an effective means to dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture; and,
6. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

J. Temporary farm employee housing, if contained on a farm, subject to the following standards:

1. For each farm, one (1) manufactured home is permitted for the use of farm workers (and their families) who are employed by the owner of the farm, for such time as the employee works the land of the owner;
2. All such units shall be located within the rear yard of the farm dwelling and shall further comply with all setback requirements

imposed upon single-family detached dwellings;

3. Such manufactured homes shall be securely anchored to a manufactured home stand; a six inch (6") thick poured concrete slab over a six inch (6") stone base, the length and width of which shall be at least equal to the dimensions of the manufactured home. Each manufactured home pad shall include properly-designed utility connections;
4. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized; and,
5. The manufactured home shall be occupied at least one hundred twenty (120) days a year by at least one (1) person who is employed on the farm where the manufactured home is located. If this condition is not satisfied, the manufactured home shall be removed within one hundred twenty (120) days.

K. **Gardening and raising of plants for personal use; and,**

L. **No-impact home-based business, as defined herein.**

201.3. Special Exception Uses (Subject to the requirements listed in Section 604.3. of this Ordinance.)

1. **Campgrounds (see Section 411);**
2. **Golf courses and driving ranges (see Section 424); and,**
3. **Veterinary offices and animal hospitals (see Section 452).**

201.4. Conditional Uses (Subject to the requirements listed in Section 705 of this Ordinance.)

1. **Cluster developments (see Section 414).**

201.5. Maximum Permitted Height (subject to modification under Section 304 of this Ordinance)

1. **Principal structures** - One hundred fifty feet (150') for uninhabitable farm structures, and thirty-five feet (35') for other structures. Further provided that every structure that exceeds thirty-five (35) feet in height is set back from each property line a distance equal to its height; and,
2. **Accessory structures** - Twenty-five feet (25'); provided however, that every accessory structure higher than fifteen (15) feet shall be setback a minimum horizontal distance equal to its height from the closest side and rear lot line.

201.6. Agricultural Setback Requirement - On any separate nonfarm parcel:

1. no shrub shall be planted within ten feet (10') of any land used for agricultural purposes;
2. no accessory residential structures or fences shall be placed within ten feet (10') of any land used for agricultural purposes; and,
3. no tree shall be planted within thirty feet (30') of any land used for agricultural purposes.

201.7. Agricultural Nuisance Disclaimer - All lands within the Rural Residential Zone are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, 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 the Pennsylvania Act 133 or 1982 “The Right to Farm Law” and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted with this Zone shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.

201.8. Required Conservation Plan - Any agricultural, horticultural or forestry uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation, shall require the obtainment of an approved conservation plan by the Cumberland County Conservation District pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.

201.9. All uses permitted within this zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.

201.10. Design Requirements - Unless otherwise specified, the following table presents applicable standards for non-cluster developments imposed by this Zone. See Section 414 for cluster developments.

Section 201.10. Design Standards for the (R) Zone							
Use	Minimum Lot Area ³	Minimum Lot Width	Maximum Lot Coverage	Minimum Yard Setbacks			
				Front	One Side	Both Sides	Rear
Agricultural and horticultural uses.	10 acres ⁵	200 ft.	10%	50 ft. ⁴	50 ft. ⁴	100 ft. ⁴	50 ft. ⁴
Municipal services, parks & playgrounds, & public utilities structures.	2,500 sq. ft.	50 ft.	40%	20 ft.	15 ft.	30 ft.	20 ft.
Single-family dwellings with on-lot sewage disposal and on-lot water service. ^{1, 2}	60,000 sq. ft.	200 ft.	20%	50 ft.	30 ft.	60 ft.	35 ft.
Single-family dwellings with either central sewage disposal or central water service. ^{1, 2}	30,000 sq. ft.	150 ft.	30%	50 ft.	20 ft.	40 ft.	35 ft.
Single-family dwellings with both central sewage disposal and central water service. ^{1, 2}	10,000 sq. ft.	90 ft.	40%	40 ft.	10 ft.	20 ft.	35 ft.
Other permitted principal uses, including forestry	1 acre	150 ft.	20%	50 ft.	30 ft.	60 ft.	50 ft.
Accessory Uses	N/A	N/A	N/A	Not permitted in front yard.	5 ft.	10 ft.	5 ft.

¹ For lots that existed on the effective date of this ordinance, single family detached dwellings are permitted subject to those limitations described in Section 201.12. of this Ordinance. New non-farm dwellings proposed shall have a maximum permitted lot area of two (2) acres subject to Section 316 of this Ordinance. Beyond this, landowners must obtain approval for a cluster development in accordance with Sections 201.4.1. and 414 of this Ordinance;

² For single family detached dwelling units that existed on the effective date of this Ordinance.

³All uses relying upon on-lot sewers are subject to the requirements listed in Section 316 of this Ordinance.

⁴ Special setback requirements - Except as provided for in the following paragraph, no area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms, shall be permitted within five hundred feet (500') of any adjoining land within any residential or the Village Zones. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback to less than two hundred feet (200'). The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.

⁵The minimum lot size for agricultural and horticultural uses may be reduced by conditional use subject to the requirements of Section 705 of this Ordinance provided that the governing body determines that the proposed use is in accordance with the PA "Right-to Farm" law.

201.11.

Flag Lots and Joint Use Driveways

Within the (R) Zone, the use of flag lots is permitted only when it will enable the preservation of some important natural or cultural feature (including productive farmland), within areas not contained upon proposed new lots which would otherwise be disturbed by conventional lotting techniques;

1. 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;

2. Requirements for the Flag:

- A. The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.
- B. For purposes of determining required yards and setbacks, the following shall apply:

Front yard - The 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;

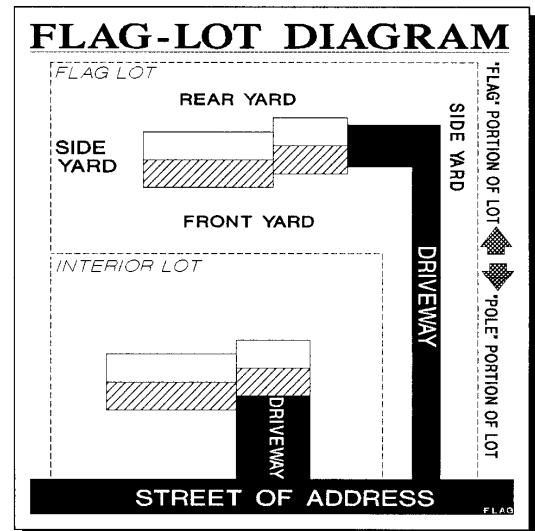
Rear yard - The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above; and,

Side yards - The 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. (See the Flag-Lot Diagram for a graphic depiction of the yard locations.)

3. 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;

4. Requirements for the Pole:

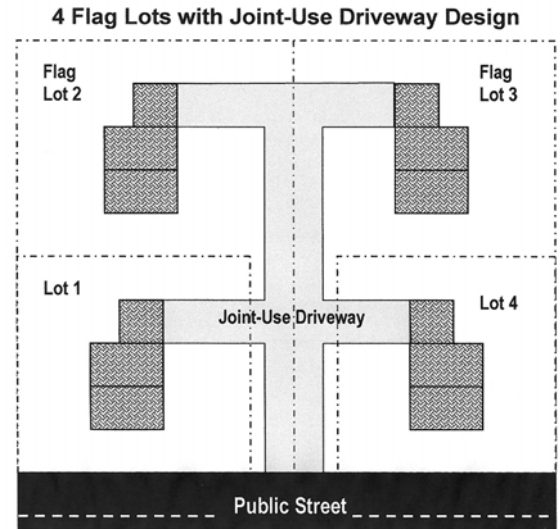
- A. The pole shall maintain a minimum width of twenty-five (25) feet.
- B. The pole shall not exceed six hundred (600) feet in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.
- C. No part of the pole shall 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, mailboxes, and signs.



- D. The cartway contained on the pole shall be located at least six (6) feet from any adjoining property line, and twenty (20) feet from any existing structures on the site or any adjoining property.
- E. No pole shall be located within two hundred (200) feet of another on the same side of the street, unless an adjoining pole utilizes a joint-use driveway, regulated as follows:

5. Joint-Use Driveways:

- A. When one or more flag lots are proposed, such lots may rely upon a joint-use driveway for vehicular access.
- B. A joint-use driveway must serve at least one flag-lot, but may also serve conventional lots, up to a maximum of four (4) total lots.
- C. All joint-use driveways shall have a minimum easement width of fifty (50) feet and a minimum cartway width of sixteen (16) feet.
- D. 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 the Township Solicitor, and depicted on the subdivision plan.
- E. Joint use driveways that exceed three hundred (300') feet in length are required to provide for a cul-de-sac turnaround with a dust free surface that has a minimum radius of fifty (50') feet.



201.12. Limitations on Subdivision and/or Land Development

1. To preserve sensitive natural features and the Township's rural character and to ensure an efficient and compact residential development pattern, it is the express intent of this Ordinance that the subdivision of new residential lots or the development of new dwelling units shall be limited without the use of clustering, regardless of whether such development is accomplished by subdivision or land development.
2. The following table shall be used to determine the permissible number of lots which may be subdivided, or the number of new principal dwelling units that may be established, respectively, within this Zone without the need to gain approval for a cluster development in accordance with Sections 201.4.1. and 414 of this Ordinance.

Lot Area (Acres)		Total number of lots that may be subdivided and/or principal dwelling units that may be established
At least	Less than	
0.46	2.75	Any number that can comply with the design standards contained within Section 201.10. of this ordinance.
2.75	10	1
10	20	2
20	30	3
30	40	4
40	50	5
50 or more		6

3. The determination of eligible land for such developments contained within the above table shall be based upon all contiguous land within the (R) Zone held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on the effective date of this Ordinance. For the purposes of this Section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:
 - A. such land is divided into one or more lots, parcels, purparts or tracts;
 - B. such land was acquired by the landowner at different times or by different deeds or other means; and,
 - C. such land is separated by public or private streets or rights-of-way.
4. If such land was not classified within the (R) Zone on the effective date of this Ordinance, the eligibility for development under this Section, shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the (R) Zone.
5. Any subdivision or land development plan hereafter filed shall specify which lot or lots shall carry a right of further subdivision or development, as provided for in this Section of the Zoning Ordinance. Such information shall also be included in the deed for any new lots. If this information is not included on a subdivision or land development plan, it shall be presumed that the largest lot remaining after the subdivision shall carry the right of further subdivision or land development under this Section of the Zoning Ordinance;
6. The number of lots which may be created, or single-family dwellings which may be established, shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision, or land which was formerly part of a parent tract, shall be bound by the actions of his predecessor.

Section 202 Low Density Residential Zone (R-1)

202.1. Purpose - This Zone is meant to accommodate suburban detached residential growth within the Township. This Zone coincides with planned sewer and water utility service areas; however, the actual availability of these services is likely to occur at different times, in different areas. As a result, permitted densities have been adjusted according to the availability of these public utilities.

202.2. Permitted Uses

1. **Agriculture and horticulture, including one single-family detached dwelling contained on the site subject to the requirements listed in Section 200 of this Ordinance.** This use shall also expressly exclude:
 - A. Concentrated animal feeding operations (CAFOs) as defined herein; and,
 - B. Concentrated animal operations (CAOs) as defined herein.
2. **Cemeteries**
3. **Churches and related uses;**
4. **Forestry uses, subject to the requirements of Section 323 of this Ordinance;**
5. **Municipal services and/or public utilities structures, subject to the requirements of Section 200 of this Ordinance;**
6. **Parks and playgrounds, subject to the requirements of Section 200 of this Ordinance;**
7. **Public and private schools;**
8. **For lots with greater than four (4) acres that existed on the effective date of this Ordinance, one additional dwelling unit may be created subject to those limitations described in Section 202.8. of this Ordinance, which is subject to the applicable design standards listed in Section 202.5. of this Ordinance (beyond this additional units are permitted by cluster development as per Sections 202.4.1. and 414 of this Ordinance.) For lots with less than four (4) acres that existed on the effective date of this Ordinance, any number of additional dwelling units may be created subject to the design standards listed in Section 202.5. of this Ordinance;**
9. **Single family detached dwelling units that existed on the effective date of this Ordinance.**
10. **Accessory uses customarily incidental to the above-permitted uses, including, but not limited to, family day-care facilities and no-impact home based businesses, both as defined herein.**

202.3. Special Exception Uses (Subject to the review procedures of Section 604.3.)

1. **Bed and breakfasts (see Section 408).**

202.4. Conditional Uses (Subject to the review procedures of Section 705)

1. **Cluster developments (see Section 414); and,**
2. **Home occupations (see Section 428);**

202.5. Area and Design Requirements - Unless otherwise specified, the following table presents applicable standards for non-cluster developments imposed by this Zone. See Section 414 for cluster developments.

Section 202.5. Design Standards for the (R-1) Zone

Use	Minimum Lot Area ³	Minimum Lot Width	Maximum Lot Coverage	Minimum Yard Setbacks			
				Front	One Side	Both Sides	Rear
Agricultural, horticultural uses.	10 acres ⁵	200 ft.	10%	50 ft. ⁴	50 ft. ⁴	100 ft. ⁴	50 ft. ⁴
Municipal services, parks & playgrounds, & public utilities structures.	2,500 sq. ft.	50 ft.	40%	20 ft.	15 ft.	30 ft.	20 ft.
Single-family dwellings with on-lot sewage disposal and on-lot water service. ^{1, 2}	60,000 sq. ft.	200 ft.	20%	50 ft.	30 ft.	60 ft.	35 ft.
Single-family dwellings with either central sewage disposal or central water service. ^{1, 2}	30,000 sq. ft.	150 ft.	30%	50 ft.	20 ft.	40 ft.	35 ft.
Single-family dwellings with both central sewage disposal and central water service. ^{1, 2}	10,000 sq. ft.	90 ft.	40%	40 ft.	10 ft.	20 ft.	35 ft.
Other permitted principal uses, including forestry	1 acre	150 ft.	20%	50 ft.	30 ft.	60 ft.	50 ft.
Accessory Uses	N/A	N/A	N/A	Not permitted in front yard.	5 ft.	10 ft.	5 ft.

¹ For lots with greater than four (4) acres that existed on the effective date of this Ordinance, one additional dwelling unit may be created subject to the design standards listed herein (beyond this, additional units are permitted by cluster development as per Sections 202.4.1. and 414 of this Ordinance.) For lots with less than four (4) acres that existed on the effective date of this Ordinance, any number of additional dwelling units may be created provided they comply with the design standards listed herein.

² For single family detached dwelling units that existed on the effective date of this Ordinance.

³All uses relying upon on-lot sewers are subject to the requirements listed in Section 316 of this Ordinance.

⁴ Special setback requirements - Except as provided for in the following paragraph, no area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms, shall be permitted within five hundred feet (500') of any adjoining land within any residential or the Village Zones. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback to less than two hundred feet (200'). The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.

⁵The minimum lot size for agricultural and horticultural uses may be reduced by conditional use subject to the requirements of Section 705 of this Ordinance provided that the governing body determines that the proposed use is in accordance with the PA "Right-to Farm" law.

202.6. Maximum Permitted Height (subject to modification under Section 304 of this Ordinance)

1. Principal structures - One hundred fifty feet (150') for uninhabitable farm structures, and thirty-five feet (35') for other structures. Further provided that every structure that exceeds thirty-five (35) feet in height is set back from each property line a distance equal to its height; and,
2. Accessory structures - Twenty-five feet (25'); provided however, that every accessory structure higher than fifteen (15) feet shall be setback a minimum horizontal distance equal to its height from the closest side and rear lot line.

202.7. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

202.8. Limitations on Subdivision and/or Land Development

1. To preserve sensitive natural features and to ensure an efficient and compact residential development pattern, it is the express intent of this Ordinance that

the subdivision of new residential lots or the development of new dwelling units shall be limited without the use of clustering, regardless of whether such development is accomplished by subdivision or land development.

2. Section 202.2.8. permits one additional dwelling unit/lot for lots that existed on the effective date of this Ordinance without the need to gain approval for a cluster development in accordance with Sections 202.4.1. and 414 of this Ordinance.
3. The determination of eligible land for such additional dwelling unit/lot shall be based upon all contiguous land within the (R-1) Zone held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on the effective date of this Ordinance. For the purposes of this Section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:
 - A. such land is divided into one or more lots, parcels, purparts or tracts;
 - B. such land was acquired by the landowner at different times or by different deeds or other means; and,
 - C. such land is separated by public or private streets or rights-of-way.
4. If such land was not classified within the (R-1) Zone on the effective date of this Ordinance, the eligibility for development under this Section, shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the (R-1) Zone.
5. The number of lots which may be created, or single-family dwellings which may be established, shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision, or land which was formerly part of a parent tract, shall be bound by the actions of his predecessor.

Section 203 High Density Residential Zone (R-2)

203.1. Purpose - This zone seeks to accommodate the higher density housing needs of the Township. A wide range of housing types are encouraged, with densities exceeding those permitted elsewhere in the Township. These zones are located around existing, multi-family developments and major transportation routes. Both public sewer and water facilities can be made available to these areas, and are a prerequisite to higher-density development. Clustering is a development option that blends higher density uses amid protected natural features and/or usable open space.

203.2. Permitted Uses

1. **Agriculture and horticulture, including one single-family detached dwelling on the site subject to the requirements listed in Section 200 of this Ordinance.** This use shall also expressly exclude:
 - A. Concentrated animal feeding operations (CAFOs) as defined herein; and,
 - B. Concentrated animal operations (CAOs) as defined herein.
2. **Churches and related uses;**
3. **Forestry uses subject to the requirements of Section 323 of this Ordinance;**
4. **Municipal services and/or public utilities structures subject to the requirements of Section 200 of this Ordinance;**
5. **Parks and playgrounds subject to the requirements of Section 200 of this Ordinance;**
6. **For lots with greater than four (4) acres that existed on the effective date of this Ordinance, one additional dwelling unit may be created subject to those limitations described in Section 203.8. of this Ordinance, which is subject to the applicable design standards listed in Section 203.7. of this Ordinance (beyond this additional units are permitted by cluster development as per Sections 203.4.1. and 414 of this Ordinance.) For lots with less than four (4) acres that existed on the effective date of this Ordinance, any number of additional dwelling units may be created subject to the design standards listed in Section 203.7. of this Ordinance;**
7. **Dwelling units that existed on the effective date of this Ordinance; and,**
8. **Accessory uses customarily incidental to the above permitted uses, including, but not limited to, family day-care facilities and no-impact home based businesses, both as defined herein."**

203.3. Special Exception Uses (Subject to the review procedures of Section 604.3.)

1. **Boarding houses (see Section 410); and,**
2. **Nursing, rest or retirement homes (see Section 437).**

203.4. Conditional Uses (Subject to the review procedures of Section 705)

1. **Cluster developments (see Section 414);**
2. **Home occupations (see Section 428); and,**
3. **Medical residential campuses (see Section 432).**

203.5. Maximum Permitted Height (subject to modification under Section 304 of this Ordinance)

1. **Principal structures** - One hundred fifty feet (150') for uninhabitable farm structures, and thirty-five feet (35') for other structures. Further provided that every structure that exceeds thirty-five (35) feet in height is set back from each property line a distance equal to its height; and,
2. **Accessory structures** - Twenty-five feet (25'); provided however, that every

accessory structure higher than fifteen (15) feet shall be setback a minimum horizontal distance equal to its height from the closest side and rear lot line.

203.6. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

203.7. **Required Design Standards** - Unless otherwise specified, the following table presents applicable standards for non-cluster developments imposed by this Zone. See Section 414 for cluster developments.

Section 203.7. Design Standards for the (R-2) Zone							
Use	Minimum Lot Area ³	Minimum Lot Width	Maximum Lot Coverage	Minimum Yard Setbacks			
				Front	One Side	Both Sides	Rear
Agricultural, horticultural, forestry uses.	10 acres ⁵	200 ft.	10%	50 ft. ⁴	50 ft. ⁴	100 ft. ⁴	50 ft. ⁴
Municipal services, parks & playgrounds, & public utilities structures.	2,500 sq. ft.	50 ft.	40%	20 ft.	15 ft.	30 ft.	20 ft.
Single-family dwellings with on-lot sewage disposal and on-lot water service. ^{1, 2}	60,000 sq. ft.	200 ft.	20%	50 ft.	30 ft.	60 ft.	35 ft.
Single-family dwellings with either on-lot sewage disposal or on-lot water service. ^{1, 2}	30,000 sq. ft.	150 ft.	30%	50 ft.	20 ft.	40 ft.	35 ft.
Single-family dwellings with both central sewage disposal and central water service. ^{1, 2}	10,000 sq. ft.	90 ft.	40%	40 ft.	10 ft.	20 ft.	35 ft.
Other permitted principal uses, including forestry.	1 acre	150 ft.	20%	50 ft.	30 ft.	60 ft.	50 ft.
Accessory Uses	N/A	N/A	N/A	Not permitted in front yard.	5 ft.	10 ft.	5 ft.
<p>¹For lots with greater than four (4) acres that existed on the effective date of this Ordinance, one additional dwelling unit may be created subject to the design standards listed herein (beyond this, additional units are permitted by cluster development as per Sections 203.4.1. and 414 of this Ordinance.) For lots with less than four (4) acres that existed on the effective date of this Ordinance, any number of additional dwelling units may be created provided they comply with the design standards listed herein</p> <p>² For single family detached dwelling units and duplexes that existed on the effective date of this Ordinance.</p> <p>³All uses relying upon on-lot sewers are subject to the requirements listed in Section 316 of this Ordinance.</p> <p>⁴ <u>Special setback requirements</u> - Except as provided for in the following paragraph, no area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms, shall be permitted within five hundred feet (500') of any adjoining land within any residential or the Village Zones. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback to less than two hundred feet (200'). The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.</p> <p>⁵The minimum lot size for agricultural and horticultural uses may be reduced by conditional use subject to the requirements of Section 705 of this Ordinance provided that the governing body determines that the proposed use is in accordance with the PA "Right-to Farm" law.</p>							

203.8. Limitations on Subdivision and/or Land Development

1. To preserve sensitive natural features and to ensure an efficient and compact residential development pattern, it is the express intent of this Ordinance that the subdivision of new residential lots or the development of new dwelling units shall be limited without the use of clustering, regardless of whether such development is accomplished by subdivision or land development.

2. Section 203.2.6. permits one additional dwelling unit/lot for lots that existed on the effective date of this Ordinance without the need to gain approval for a cluster development in accordance with Sections 203.4.1. and 414 of this Ordinance.
3. The determination of eligible land for such additional dwelling unit/lot shall be based upon all contiguous land within the (R-2) Zone held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on the effective date of this Ordinance. For the purposes of this Section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:
 - A. such land is divided into one or more lots, parcels, purparts or tracts;
 - B. such land was acquired by the landowner at different times or by different deeds or other means; and,
 - C. such land is separated by public or private streets or rights-of-way.
4. If such land was not classified within the (R-2) Zone on the effective date of this Ordinance, the eligibility for development under this Section, shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the (R-2) Zone.
5. The number of lots which may be created, or single-family dwellings which may be established, shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision, or land which was formerly part of a parent tract, shall be bound by the actions of his predecessor.

Section 204 Manufactured Home Park Zone (MHP)

204.1. Purpose - This zone acknowledges manufactured home park sites within the Township, and protects their continued existence. Because of the complexities of manufactured home park design, they will be regulated via the conditional use review process. Should landowners wish to eliminate manufactured home parks on a particular site, residential development would be permitted, based upon the availability of public sewer and public water utilities.

204.2. Permitted Uses

1. **Forestry uses, subject to the requirements of Section 323 of this Ordinance;**
2. **Parks and playgrounds;**
3. **Municipal services and public utilities structures;**
4. **Single-family detached dwellings, subject to the standards listed in Section 202 of this Ordinance; and,**
5. **Accessory uses incidental to the above permitted uses including, but not limited to, no-impact home based businesses as defined herein.**

204.3. Conditional Uses (Subject to the requirements listed in Section 705 of this Ordinance.)

1. **Manufactured home parks (see Section 430).**

204.4. Design Standards - See table below:

Utilized Public Utilities	Minimum Lot Area¹	Minimum Lot Width²	Maximum Lot Coverage	Minimum Yard Setbacks			
				Front	One Side	(Both Sides)	Rear
Forestry uses.	See Sections 200 and 323 of this Ordinance.						
Public and/or nonprofit parks & playgrounds, & public use & utilities structures.	2,500 sq. ft.	50 ft.	40%	20 ft.	15 ft.	30 ft.	250 ft.
Accessory uses.	N/A	N/A	N/A	Not permitted in front yard.	5 ft.	10 ft.	5 ft.

¹All uses relying upon on-lot sewers are subject to the requirements listed in Section 316 of this Ordinance.

²Minimum lot width shall be measured at the building setback line, and the street right-of-way line.

204.5. Maximum Permitted Height

1. **Principal structures** - Thirty-five feet (35').
2. **Accessory structures** - Twenty-five feet (25'); provided however, that every accessory structure higher than fifteen (15) feet shall be setback a minimum horizontal distance equal to its height from the closest side and rear lot line;

204.7. All uses permitted within this zone shall also comply with all applicable General Provisions contained within Article 3 of this Ordinance.

Section 210 Mixed Use Zone (MU)

210.1. Purpose - This Zone accommodates a mixture of land uses that have evolved in the Township's villages. Limited businesses have been selected that can take advantage of the daily traffic passing through the Village, while at the same time assure compatibility with the numerous dwellings that remain. Aside from residential and public uses, all uses are evaluated via the conditional use process so that opportunities to integrate vehicular access and parking are provided during site plan review. Strict design requirements have been imposed to preserve the "small town" character of these areas, and bonus incentives are available for uses that employ "high-quality" site design features. Overall retail size has been restricted as a means of encouraging adaptive reuse of converted dwellings, rather than the construction of new commercial buildings.

210.2. Permitted Uses

1. Forestry uses, subject to the requirements of Section 323 of this Ordinance;
2. Parks and playgrounds;
3. Municipal services and public utilities structures;
4. Single-family detached dwellings; and,
5. Accessory uses incidental to the above permitted uses including, but not limited to, no-impact home based businesses as defined herein.

210.3. Conditional Uses (See Sections 705)

1. Automobile service and repair facilities including, but not limited to, auto mechanics, drive-thru lubrication services, and tire, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shops (see Section 407);
2. Bed and breakfasts (See Section 408);
3. Boarding houses (See Section 410);
4. Churches and related uses, excluding cemeteries (See Section 413);
5. Commercial day-care facilities (See Section 415);
6. Duplexes, townhouses and multiple-family dwellings at a maximum permitted density of eight (8) dwelling units per acre subject to the design requirements listed in Section 414.11. of this Ordinance (See Section 420);
7. Funeral homes (See Section 423);
8. Home occupations (See Section 428);
9. Medical, dental, optical and counseling clinics and offices (See Section 431);
10. Nursing, rest or retirement homes (See Section 437);
11. Offices (See Section 438);
12. Personal services including: barber and beauty or tanning salons; dry cleaning and laundry pick-up/drop-off facilities; music, art or photographic studios and repair of clocks and small appliances (See Section 440);
13. Restaurants (not including drive-thru or fast-food restaurants (See Section 443);
14. Retail sale of goods provided the total sales and/or display area is less than one thousand, two hundred (1,200) square feet (See Section 444);
15. Two-family conversions (See Section 451); and,
16. Veterinarian offices, provided no outdoor keeping of animals is permitted (See Section 451);

210.4. Number of Uses - Any number of the uses allowed in this Zone are permitted within each existing building, provided the building size and floor area remain the same as it was on the effective date of this Ordinance and Section 307 of this Ordinance shall not apply in this instance.

For new buildings, Section 307 of this Ordinance shall apply in this instance.

For existing buildings that are enlarged, the number of uses permitted per building shall be the same number (at least one) that occupied the building on the effective date of this Ordinance and Section 307 of this Ordinance shall not apply in this instance."

210.5. Lot Area Requirements - Unless otherwise specified, all lots shall have a minimum of six thousand (6,000) square feet.

210.6. Maximum Lot Coverage - Sixty percent (60%).

210.7. Minimum Lot Width – Thirty (30) feet.

210.8. Minimum Setback Requirements - (Principal and Accessory Uses)

1. Front yard setback - All buildings, structures (except permitted signs) and, loading areas shall be set back at least twenty (20') from the street right-of-way line; however, where an adjacent building within one hundred feet (100') of a property is set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than ten (10) feet from any abutting street right-of-way line. No off-street parking is permitted within the front yard.
2. Side yard setback - All buildings, structures, off-street parking lots, and loading areas shall be set back a total of at least ten (10) feet from both of the side lot lines with one side being no less than five (5) feet from the adjoining lot line.
3. Rear yard setback - All buildings, structures, off-street parking lots, and loading areas, shall be set back at least twenty (20) feet from the rear lot line.
4. Residential buffer strip - Any lot adjoining land within a R, R-1, R-2, MHP or MU Zone shall maintain twenty (20) foot setback for buildings and structures, off-street parking lots, and loading areas, from the R-1, R-2, MHP or MU Zone parcels. Such area shall be used for a landscape strip.

210.9. Maximum Permitted Height - Thirty-five (35) feet.

210.10. Outdoor Storage - No outdoor storage is permitted.

210.11. Off-Street Loading - Off-street loading shall be provided as specified in Section 312 of this Ordinance.

210.12. Off-Street Parking - Off-street parking shall be provided as specified in Section 311 of this Ordinance.

210.13. Signs - Signs shall be permitted as specified in Section 314 of this Ordinance.

- 210.14. Driveway and Access Drive Requirements** - All driveways serving single-family dwellings shall be provided in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance.
- 210.15. Landscaping** - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 313 of this Ordinance.)
- 210.16. Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads and/or properties. All dumpsters shall be set back a minimum of twenty-five (25) feet from any adjoining R, R-1, R-2, MHP or MU Zone properties. All waste receptacles shall be completely enclosed.
- 210.17.** All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- 210.18. Commercial Operations Standards** - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some applicable regulations, see Section 318 of this Ordinance.
- 210.19. Design Features/Bonus Incentives** - Because of this Zone's intended purpose to reduce traffic congestion, the following bonus incentives are applied to individual uses when prescribed design features are provided. These bonus incentives are awarded solely at the discretion of the Board of Supervisors, during the conditional use review procedure:

<u>Design Features</u>	<u>Bonus Incentive</u>
1. Coordinated vehicular access between two or more adjoining land uses, that make use of only one shared access drive.	A ten percent (10%) increase in the maximum permitted lot coverage for each use.
2. Coordinated off-street parking between two or more adjoining land uses that share a single access drive. Such parking lots shall be arranged to provide ready access to all properties.	Waiver of one side yard setback requirement as it applies to the off-street parking lot, and a five percent (5%) reduction in the total number of parking spaces required for all uses.
3. Coordinated off-street loading between two adjoining land uses sharing a single access drive that provides ready access to one or more loading spaces serving both uses.	Waiver of the off-street loading space requirement for that use that would otherwise require the least number of loading spaces, provided a cross property use easement is recorded that assures both uses may use the shared loading space(s). In addition, one side yard setback may also be waived, as it applies to off-street loading.
4. Coordinated signage with two or more uses sharing only one freestanding sign.	A five percent (5%) increase in the maximum permitted lot coverage and a ten percent (10%) increase in the maximum permitted size of any attached signs.

210.20. Modifications of Design Standards

1. The Board of Supervisors may, by conditional use approval, permit the modification of the design standards in order to encourage the use of innovative design. A developer desiring to obtain such conditional use approval shall, when making application for conditional use approval for any use listed in Section 210.3., also make application for conditional use approval under this section. The Board of Supervisors shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the design standards shall be subject to the following standards:
 - A. Such modifications of design standards better serve the intended purposes of this Zone, as expressed in Section 210.1.;
 - B. Such modifications of design standards would not result in adverse impact to adjoining properties, nor inhabitants within the Mixed Use Zone development;
 - C. Such modifications will not result in an increase in residential densities permitted for the site; and,
 - D. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria of Section 210.21.1.A.–C.

210.21. Residential Accessory Uses - Properties with principal residences may include accessory structures subject to the following requirements.

1. Required Front Yard Setbacks - All accessory structures shall be setback at least fifteen (15) feet behind the principal building line. If there is no principal building, the accessory structure must be setback at least fifteen (15) feet behind the required principal front yard setback line;
2. Required Side and Rear Yard Setbacks - All accessory structures shall be setback at least five (5) feet from any side and/or rear lot lines; and,
3. Maximum Permitted Height - Twenty-five feet (25'); provided however, that every accessory structure higher than fifteen (15) feet shall be setback a minimum horizontal distance equal to its height from the closest side and rear lot line.

Section 211 Commercial Zone (C)

211.1. Purpose - This Zone provides suitable locations for highway-oriented retail, service, and entertainment businesses. The uses may involve outdoor activities and/or storage areas like automobile, boat and trailer sales, and service establishments. The uses provided in this Zone are meant to serve local residents, as well as those motorists passing through the Township. Access to these areas is provided by adjoining major roads. Specific setbacks are imposed upon outdoor storage areas to protect adjoining properties.

211.2. Permitted Uses

1. **Agriculture and horticulture, including one single-family detached dwelling on the site subject to the requirements listed in Section 200 of this Ordinance. This use shall also expressly exclude:**
 - A. Concentrated animal feeding operations (CAFOs) as defined herein; and,
 - B. Concentrated animal operations (CAOs) as defined herein.
2. **Forestry uses, subject to the requirements of Section 323 of this Ordinance;**
3. **Offices;**
4. **Banks and similar financial institutions;**
5. **Bookbinding, printing, and publishing operations;**
6. **Restaurants and taverns (but not including drive-thru or fast-food restaurants or nightclubs);**
7. **Retail sale of goods and services (including auto parts stores, without installation, but excluding adult-related uses;**
8. **Hotels, motels and similar lodging facilities;**
9. **Retail sale of automobile, boat, farm machinery, and trailers (including service or repair facilities as an accessory use, and if conducted within a completely enclosed building);**
10. **Theaters and auditoriums;**
11. **Shops for contractors of plumbing, heating, air conditioning, electrical, electronic, roofing, flooring, glass and windows, insulation, carpentry and cabinet-making, and other structural components of buildings;**
12. **Municipal services, public utilities and parks and playgrounds;**
13. **Dry cleaners, laundries and laundramats;**
14. **Churches and related uses;**
15. **Health, fitness, social, fraternal and other private clubs;**
16. **Public, private and commercial schools;**
17. **Dance, music, art and photographic studios and galleries;**
18. **Medical, dental, optical and counseling clinics and offices;**
19. **Veterinary offices, animal hospitals and kennels;**
20. **Commercial recreation uses;**
21. **Parking compounds;**
22. **Accessory uses customarily incidental to the above permitted uses; and,**
23. **Recycling collection facilities as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.**

211.3. Special Exception Uses (Subject to the requirements listed in Section 604.3. of this Ordinance.)

1. **Amusement arcades** (see Section 403);
2. **Automobile filling stations** (including minor incidental repair) (see Section 406);
3. **Automobile service and repair facilities** including, but not limited to, auto mechanics, drive-thru lubrication services, and tire, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shops (see Section 407);
4. **Car washes** (see Section 412);
5. **Home improvement and building supply stores** (see Section 427);
6. **Mini-warehouses** (see Section 433);
7. **Funeral homes** (see Section 423);
8. **Farmers and/or flea markets** (see Section 421); and
9. **Drive-thru and/or fast-food restaurants** (see Section 419).

211.4 Conditional Uses (Subject to the requirements listed in Section 705 of this Ordinance.)

1. **Amusement/theme/zoo park, automobile race course, horse racing facility with related wagering** (see Section 404)
2. **Automobile auctions and storage yards** (see Section 405).
3. **Nightclubs** (see Section 435); and,
4. **Shopping centers involving any use permitted in this Zone** (see Section 447).

211.5. Lot Area, Lot Width, and Lot Coverage Requirements - See the following table:

Public Utilities Utilized	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
Neither Public Sewer nor Public Water	60,000 sq. ft. ¹	150 ft.	40%
Public Water or Public Sewer only	30,000 sq. ft. ¹	150 ft.	55%
Both Public Sewer and Public Water	15,000 sq. ft.	100 ft.	70%

¹All uses relying upon on-lot sewers shall comply with Section 316 of this Ordinance.

211.6. Minimum Setback Requirements (Principal and Accessory Uses)

1. **Front yard setback** - All buildings, structures (except permitted signs), and outdoor loading areas shall be set back at least thirty-five feet (35') from the street right-of-way; off-street parking lots and outdoor storage areas shall be set back a minimum of ten feet (10') from the street right-of-way;
2. **Side yard setbacks** - All buildings and structures (except permitted signs) shall be set back at least twenty feet (20') from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least ten feet (10') from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities;
3. **Rear yard setback** - All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least ten feet (10') from the rear lot line; and,

4. **Residential buffer strip** - Any lot adjoining land within a R-1, R-2, MHP or MU Zone shall maintain a fifty foot (50') setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage areas, from the R-1, R-2, MHP or MU Zone parcels. Such areas shall be used for a landscape strip and screen.
- 211.7. **Maximum Permitted Height** - Thirty-five feet (35').
- 211.8. **Off-Street Loading** - Off-street loading shall be provided as specified in Section 312 of this Ordinance.
- 211.9. **Off-Street Parking** - Off-street parking shall be provided as specified in Section 311 of this Ordinance.
- 211.10. **Signs** - Signs shall be permitted as specified in Section 314 of this Ordinance.
- 211.11. **Access Drive Requirements** - All access drives shall be in accordance with Section 310 of this Ordinance.
- 211.12. **Screening** - A visual screen must be provided along any adjoining lands within a R-1, R-2, MHP or MU Zone, regardless of whether or not the R-1, R-2, MHP or MU Zone parcel is developed (see Section 313 of this Ordinance).
- 211.13. **Landscaping** - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 313 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip does not apply for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
- 211.14. **Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty feet (50') from any adjoining R-1, R-2, MHP or MU Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.
- 211.15. **Commercial Operations Standards** - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 318 of this Ordinance.
- 211.16. **Outdoor Storage** - Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section. The outdoor storage areas for retail automobile, motorcycle, or boat sales need not be screened from adjoining roads.
- 211.17. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

Section 220 Industrial Zone (I)

220.1. Purpose - This Zone provides for a wide range of industrial activities that contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. The required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger and heavier industries have also been permitted. This Zone provides for light industrial uses as permitted by right, but requires obtainment of a conditional use for heavier and potentially more-objectionable types of industrial uses. These areas have been located near existing public utility service areas and along major roads. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

220.2. Permitted Uses

1. **Agriculture and horticulture, including one single-family detached dwelling contained on the site subject to the requirements listed in Section 200 of this Ordinance.** This use shall also expressly exclude:
 - A. Concentrated animal feeding operations (CAFOs) as defined herein; and/or,
 - B. Concentrated animal operations (CAOs) as defined herein.
2. **Forestry uses, subject to the requirements of Section 323 of this Ordinance;**
3. **Laboratories for medical, scientific, or industrial research and development;**
4. **Manufacturing, packaging, storage and/or wholesaling of the following:**
 - A. Furniture, cabinets, fixtures, office supplies, and other household appointments;
 - B. Scientific, specialized and technical instruments and equipment;
 - C. Audio visual components, computers, vending machines, electronic equipment and video games;
 - D. Finished textile products;
 - E. Brushes, brooms, and combs;
 - F. Hot tubs, spas, saunas, and swimming pools;
 - G. Jewelry, and other precious metals;
 - H. Photographic, lighting, and timekeeping equipment;
 - I. Small household appliances, excluding major appliances;
 - J. Musical instruments and sporting equipment;
 - K. Cosmetics, dyes, toiletries, and pharmaceuticals;
 - L. Optical, dental, and medical supplies and equipment; and,
 - M. Small or novelty products from prepared materials (excluding the use of sheet metals).
5. **Processing, packaging, storage and/or wholesaling of food products excluding:**
 - A. Breweries and distilleries;
 - B. Pickling processes;
 - C. Rendering or slaughtering operations; and,
 - D. Sugar refineries.
6. **Sales, storage and/or wholesaling of the following:**
 - A. Home and auto-related fuels;
 - B. Nursery and garden materials, and stock;
 - C. Contractor supplies; and,

- D. Plumbing, heating, air conditioning, electrical, and other structural components of buildings.
7. Bookbinding, printing, and publishing operations;
 8. Machine shop;
 9. Repair shops for products permitted to be manufactured in this Zone;
 10. Small engine repair shops;
 11. Welding shops;
 12. Sign makers;
 13. Offices;
 14. Municipal services, public utilities, and parks and playgrounds;
 15. Agricultural support businesses, including:
 - A. Facilities for the commercial processing, and warehousing of agricultural products;
 - B. Facilities for the warehousing, sales, and service of agricultural equipment, vehicles, feed, or supplies; and,
 - C. Veterinary offices, animal hospitals, or kennels.
 16. Vocational and mechanical trade schools;
 17. Commercial day-care facilities;
 18. Clubhouses;
 19. Communication antennas that are co-located upon existing structures (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements listed in Section 200.2.12. of this Ordinance;
 20. Accessory uses customarily incidental to the above permitted uses, including accessory retail sales of products produced on-site so long as the sales area is no more than ten percent (10%) of the total building area or three thousand (3,000) square feet, whichever is less;
 21. Recycling collection facilities as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet; and,
 22. Industrial convenience uses as listed below provided such uses are developed in a coordinated manner with shared access, shared off-street parking and shared signage and do not consume more than five (5) acres of the Zone within which they are located:
 - A. Banks and similar financial uses;
 - B. Restaurants, delicatessens and taverns;
 - C. Health and fitness clubs;
 - D. Dry cleaners and laundromats;
 - E. Retail sales of office supplies and equipment;
 - F. Mailbox, photocopying and packaging stores;
 - G. Automobile filling stations with minor incidental repair; and,
 - H. Convenience stores.

220.3. Conditional Uses (Subject to the requirements listed in Section 705 this Ordinance.)

1. Heavy industrial uses involving processing, packaging, production, repair or testing of materials, goods and products, including those industries performing conversion, assembly, or non-toxic chemical operations (see Section 426);
2. Warehousing and wholesale trade establishments (see Section 453);
3. Heavy equipment sales, service, and repair, such as excavation machinery, commercial trucks, buses, farm equipment, manufactured

- homes, trailers, and other similar machinery (see Section 425);
- 4. **Billboards** (see Section 409);
- 5. **Truck or motor freight terminals** (see Section 449);
- 6. **Truck stops, truck transfer facilities and truck refueling facilities** (see Section 450)
- 7. **Recycling facilities for paper, plastic, glass and metal products** (see Section 442);
- 8. **Principal waste handling facilities** (see Section 441);
- 9. **Communication towers and equipment that are not co-located upon an existing structure** (see Section 418);
- 10. **Mini-warehouses** (see Section 433);
- 11. **Junkyards** (see Section 429);
- 12. **Wholesale produce auctions** (see Section 454);
- 13. **Slaughtering, processing, rendering, and packaging of food products and their by-products** (see Section 448);
- 14. **Adult uses** (see Section 401); and.
- 15. **Off-track betting parlors and/or slot machine parlors** (see Section 439).

220.4. Minimum Lot Area Requirements - Unless otherwise specified, each use within this Zone shall have a minimum lot size of one (1) acre. All uses relying upon on-lot sewers shall comply with Section 316 of this Ordinance.

220.5. Maximum Lot Coverage - Seventy percent (70%).

220.6. Minimum Lot Width - One hundred fifty feet (150').

220.7. Minimum Setback Requirements (Principal and Accessory Uses)

1. **Front yard setback** - All buildings, structures (except permitted signs), off-street loading areas, dumpsters, and outdoor storage areas shall be set back at least fifty feet (50') from the adjoining right-of-way. All parking lots shall be set back at least twenty feet (20') from any adjoining right-of-way;
2. **Side yard setbacks** - All buildings, structures, (except permitted signs) dumpsters, and off-street loading areas shall be set back at least thirty feet (30') from any side property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty feet (20') from any side lot lines, unless joint parking lots and/or loading areas are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities;
3. **Rear yard setback** - All buildings, structures, dumpsters, and off-street loading areas shall be set back at least thirty-five feet (35') from any rear property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty-five feet (25') from any rear lot lines;
4. **Residential buffer strip** - Any use adjoining land within a R, R-1, R-2, MHP or MU Zone, or across a road from land within a R, R-1, R-2, MHP or MU Zone, shall maintain a seventy-five foot (75') setback for buildings, structures, dumpsters, outdoor storage areas, and off-street loading areas from the residential zone. Off-street parking lots shall be set back at least fifty feet (50') from adjoining R, R-1, R-2, MHP or MU Zone properties. All of these setback areas shall be devoted to landscaping (see Section 313); and,
5. **Accessory recreation uses** - These facilities can be developed in any side or rear yard to within fifty feet (50') of any property line.

- 220.8. Maximum Permitted Structural Height** - The height of any principal or accessory structure shall not exceed thirty-five feet (35'), except that chimneys, flagpoles, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five feet (75') above the finished grade when erected upon or as an integral part of a building. All structures extending above thirty-five feet (35') from grade (except permitted signs) shall be set back a distance at least equal to their height from all property lines.
- 220.9. Off-Street Loading** - Off-street loading shall be provided, as specified in Section 312 of this Ordinance.
- 220.10. Off-Street Parking** - Off-street parking shall be provided, as specified in Section 311 of this Ordinance.
- 220.11. Signs** - Signs shall be permitted as specified in Section 314 of this Ordinance.
- 220.12. Access Drive Requirements** - All access driveways shall be in accordance with Section 310 of this Ordinance.
- 220.13. Screening** - A visual screen must be provided along any adjoining lands within a R, R-1, R-2, MHP or MU Zone, regardless of whether or not the R, R-1, R-2, MHP or MU Zone parcel is developed (see Section 313 of this Ordinance).
- 220.14. Landscaping** - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 313 of this Ordinance). A minimum twenty foot (20') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
- 220.15. Waste Products** - All dumpsters shall be set back a minimum of seventy five feet (75') from any adjoining R, R-1, R-2, MHP or MU Zone properties, and shall comply with Section 302.10. of this Ordinance.
- 220.16. Industrial Operations Standards** - All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies. (See Section 318 for a partial listing.)
- 220.17. Outdoor Storage** - Within the (I) Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section. Outdoor display areas for heavy equipment and vehicles need not be screened from adjoining roads.
- 220.18.** All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

Section 221 Quarry Zone (Q)

- 221.1. Purpose** - The purpose of this Zone is to reserve appropriate areas of the Township for quarrying and processing of quarry raw materials; to provide reasonable standards for quarry operations in order to prevent conditions which would interfere with the enjoyment or use of other properties; to allow uses of a temporary nature in locations premature for quarrying.
- 221.2. Permitted Uses** - All permitted uses within this Zone are subject to the applicable design standards listed in Section 200 of this Ordinance.
- 1. Agriculture and horticulture, including one single-family detached dwelling contained on the site subject to the requirements listed in Section 200 of this Ordinance.** This use shall also expressly include:
 - A. Concentrated animal feeding operations (CAFOs) as defined herein provided that the applicant provides a copy of an approved permit from the Pennsylvania Department of Environmental Protection, Bureau of Water Quality and the proposed use maintains compliance with the federal regulations governing CAFOs; and/or,
 - B. Concentrated animal operations (CAOs) as defined herein provided that the applicant provides written evidence of an approval of the applicant's nutrient management plan from the County Conservation District or the Pennsylvania Conservation Commission and the applicant maintains compliance with the Pennsylvania Nutrient Management Act No. 38.
 - 2. Public and/or nonprofit parks, subject to the standards listed in Section 200 of this Ordinance; and,**
 - 3. Municipal services and public utilities, subject to the standards listed in Section 200 of this Ordinance.**
- 221.3. Conditional Uses** (See Section 705)
- 1. Mining (open pit mining and strip and borrow) and related processing facilities including reprocessing and recycling of mineral and/or mineral derived materials. (See Section 434).**
- 221.4. Maximum Permitted Structural Height** - The height of any principal or accessory structure shall not exceed forty (40) feet, except that chimneys, flagpoles, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. All structures extending above forty (40) feet from grade (except permitted signs) shall be set back a distance at least equal to their height from all property lines.
- 221.5. Off-Street Loading** - Off-street loading shall be provided as specified in Section 312 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a R, R-1, R-2, MHP or MU Zone, nor any side of a building facing an adjoining street.
- 221.6. Off-Street Parking** - Off-street parking shall be provided as specified in Section 311 of this Ordinance.
- 221.7. Signs** - Signs shall be permitted as specified in Section 314 of this Ordinance.
- 221.8. Driveway and Access Drive Requirements** - All driveways serving single-family dwellings shall be in accordance with Section 309 of this Ordinance. All access driveways serving other uses shall be in accordance with Section 310 of this Ordinance.

- 221.9.** **Landscaping** - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 313 of this Ordinance.)
- 221.10.** **Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of one hundred (100) feet from any adjoining properties. All waste receptacle shall be completely enclosed.
- 221.11.** All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- 221.12.** **Industrial Operations Standards** - All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations refer to Section 318 of this Ordinance.

Section 230 Floodplain Overlay Zone (FP)

230.1. Purpose - It is hereby found that the streams, creeks and waterways of the Township are subject to recurring flooding, that such flooding damages and endangers life and public and private property and facilities, that this condition is aggravated by developments and encroachments in the floodplain, and that the most appropriate method of alleviating such condition is through regulation of such developments and encroachments. It is therefore determined that the special and paramount public interest in the floodplain justifies the regulation of property located therein as provided in this section, which is in the exercise of the police power of the municipality, for the protection of the persons and property of its inhabitants, and for the preservation of the public health, safety and general welfare.

The intent of this section shall be to protect areas of floodplain subject to and necessary for the containment of flood waters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of the Township.

230.2. Specific Objectives

1. To combine with present zoning requirements, certain restrictions made necessary for flood-prone areas to promote the general health, welfare and safety of the Township;
2. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding;
3. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood-prone areas and promoting safe and sanitary drainage;
4. To permit only those uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow or storage of flood waters, or otherwise cause danger to life and property at, above, or below their locations along the floodplains;
5. To provide sufficient drainage courses to carry abnormal flows or storm water in periods of heavy precipitation;
6. To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a floodplain and the consequent obstruction or increase in flow of flood waters;
7. To protect the entire Township from individual uses of land which may have an effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic well-being of the Township;
8. To maintain undisturbed the ecological balance between those natural systems elements, including wildlife, vegetation and marine life, dependent upon water courses and water areas;
9. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding;

10. To provide areas for the temporary natural storage of flood waters; and,
11. To require that uses vulnerable to floods, including public facilities, be constructed so as to be protected from flood damage in accordance with the purpose and requirements of the National Flood Insurance Program, P.L. 93-234.

230.3. Delineation of Lands Within the Floodplain Overlay Zone - For purposes of this Ordinance, areas contained within the Floodplain Overlay Zone shall include the following:

1. Those areas subject to inundation by the waters of the base flood (100-year flood) within the Floodway and the floodway fringe, as identified in the Flood Insurance Study(FIS) dated February 7, 1975, and accompanying maps, or the latest revision thereof, as prepared for the Township by the Federal Emergency Management Agency and/or its successors;
2. Those areas identified in the Flood Insurance Study dated February 7, 1975, 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 the alternative, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Such study shall be signed, sealed and certified by a registered professional of the Commonwealth of Pennsylvania. Such certification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such study or survey. Copies of such studies and surveys shall be submitted by the Zoning Officer to the Township Engineer and the Federal Emergency Management Agency, who shall have thirty (30) days to comment. Any property owner whose property is so studied shall pay all costs of these studies and surveys, except for work done under retainer to, or on behalf of, the Township.
3. For all other streams and/or waterways not depicted upon the Township's Flood Boundary and Floodway Maps, the Floodplain Overlay Zone shall be deemed to include an area measuring fifty feet (50') horizontally perpendicular from the top bank of the watercourse; and,
4. In lieu of Sections 230.3.1., 2., and 3., the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Such study shall be signed, sealed and certified by a registered professional of the Commonwealth of Pennsylvania. Such certification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such study or survey. Copies of such studies and surveys shall be submitted by the Zoning Officer to the Township Engineer and the Federal Emergency Management Agency, who shall have thirty (30) days to comment. Any property owner whose property is so studied shall pay all costs of these studies and surveys, except for work done under retainer to, or on behalf of, the Township.

230.4. Boundary Disputes

1. Should a dispute concerning any boundary of the Floodplain Overlay Zone arise, the initial determination of the Zoning Officer may be appealed to the

Zoning Hearing Board in accordance with Section 604.6. of this Ordinance. The burden of proof in such an appeal shall be on the applicant and all hearings and procedures shall follow the requirements of Section 603 of this Ordinance;

2. All changes to the boundaries of the Floodplain Overlay Zone which affect areas identified in Section 230.3.1. of this Ordinance are subject to the review and approval of the Federal Emergency Management Agency for compliance with the Rules and Regulations of the National Flood Insurance Program and PA Act 166, the PA Floodplain Management Act.

230.5. Relationship to Other Sections - The provisions of this section create an overlay zoning district which is applicable within floodplains in all other zoning districts established by this Zoning Ordinance. To the extent the provisions of this section are applicable and more restrictive, they shall supersede conflicting provisions within all other sections of this Zoning Ordinance and all other ordinances of the Township. However, all other provisions of all other articles of this Zoning Ordinance and all other ordinances of the Township shall remain in full force.

230.6. Permitted Uses - The following uses and development and no others are permitted in the Floodplain Overlay Zone, provided such uses in no way diminish the capacity of the channels or floodway of any stream, as defined herein, or raise the base flood elevation:

1. Cultivation and harvesting crops according to recognized soil conservation practices;
2. Pasture and grazing of livestock (excluding feedlots) according to recognized soil conservation practices, and further provided that such livestock shall not be confined to pastures or other enclosures located entirely within the Floodplain Overlay Zone;
3. Outdoor plant nursery or orchard according to recognized soil conservation practices;
4. Wildlife sanctuary, woodland preserve, arboretum and passive recreation or parks, including hiking, bicycle and bridle trails, but including no facilities subject to damage by flooding;
5. Game farms, fish hatchery, or hunting and fishing reserve, for the protection and propagation of wildlife, but permitting no structures;
6. Forestry, lumbering and reforestation according to the requirements of Section 323 of this Ordinance;
7. Front, side and rear yards and required lot area in any district, provided such yards are not to be used for on-site sewage disposal systems;
8. Normal accessory uses (excepting enclosed structures, freestanding satellite dish antennas, fences and above-ground swimming pools) permitted under the applicable zoning district;
9. Recreational use, whether open to the public or restricted to private use, such as parks, camps, picnic areas, golf courses, fishing areas, sport or boating clubs, not to include enclosed structures excepting flood-proof toilet facilities, but permitting piers, docks, floats or unenclosed shelters usually found in developed outdoor recreational areas. Any flood-proof toilet facilities provided

shall be connected to public water and sewerage systems;

10. Streamside buffers as regulated by Section 231 of this Ordinance.

230.7. Special Exception Uses - The following uses and development and no others are permitted by special exception in the Floodplain Overlay Zone, provided such uses in no way diminish the capacity of the channels or floodway of any stream, as defined herein, or raise the base flood elevation, and such uses comply with the specific requirements of Section 230.11. of this Ordinance:

1. Sewage treatment plant, outlet installations for sewage treatment plants and sewage pumping stations with the approval of the Township Engineer, appropriate sewer authorities and the Pennsylvania Department of Environmental Protection, when accompanied by documentation as to the necessity for locating within the boundaries of the Floodplain Overlay Zone;
2. Sealed public water supply wells with the approval of the Pennsylvania Department of Environmental Protection;
3. Dams, culverts, bridges, and altered or relocated watercourses with permits and/or approvals from the PA Department of Environmental Protection, PA Public Utility Commission, and/or US Army Corps of Engineers. Furthermore, notification of such actions shall be provided to all affected adjoining municipalities, the Federal Emergency Management Agency and the PA Department of Community Economic Development. The approval of a permit by any of the preceding State or Federal agencies for one of the uses allowed by in this Section shall in no way affect or conflict with the requirements imposed upon the use under the regulations of this Floodplain Overlay Zone; and,
4. Sanitary or storm sewers and impoundment basins, with the approval of the Pennsylvania Department of Environmental Protection.

230.8. Prohibited Development Which May Endanger Human Life - The following uses are prohibited from locating within the Floodplain Overlay Zone. This listing of prohibited uses and activities should not be interpreted to permit other activities not listed, unless they are permitted by Sections 230.6. or 230.7. of this Ordinance:

1. New or substantially improved structures which will be used for the production or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials or substances on the premises, are prohibited within Floodplain Overlay Zone:
 - Acetone
 - Ammonia
 - Benzene
 - Calcium carbide
 - Carbide disulfide
 - Celluloid
 - Chlorine
 - Hydrochloric acid
 - Hydrocyanic acid
 - Magnesium
 - Nitric acid and oxides of nitrogen

- Petroleum products (gasoline, fuel oil products and the like)
 - Phosphorous
 - Potassium
 - Sodium
 - Sulfur and sulfur products
 - Pesticides (including insecticides, fungicides and rodenticides)
 - Radioactive substances, insofar as such substances are not otherwise regulated
2. Hospitals, nursing homes, jails, new manufactured home parks, and manufactured home subdivisions, and substantial improvements to existing manufactured home parks and subdivisions are prohibited within Floodplain Overlay Zone; and,
 3. No variance shall be granted for any of these uses or activities to locate in Floodplain Overlay Zones.

230.9. Nonconforming Uses and Structures in the Floodplain Overlay Zone

1. Continuation - All uses, structures or development lawfully existing in the Floodplain Overlay Zone on the effective date of this section which are not in conformity with the provisions of this Ordinance shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and floodproofed, except as prohibited by Sections 230.9.2. and 230.9.4.B. of this Ordinance. However, such nonconforming uses or structures may at any time be improved to comply with existing State or Township health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions;
2. Abandonment - Nonconforming uses or structures which have been discontinued or vacated for twelve (12) consecutive months shall be considered abandoned. Vacation of land or structures or the nonoperative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be reestablished, repaired, or re-occupied. The Supervisors may require the removal of any abandoned nonconforming use or structure upon prior notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine months, the Supervisors shall have the authority to cause the removal to be accomplished, the costs of such removal to be paid by the property owner;
3. Expansion and Modification - A nonconforming use or structure shall not be expanded or modified in any manner which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this section. No nonconforming use or structure shall be expanded, enlarged, or altered in any way which increases its nonconformity with respect to height, area, yard, and other requirements established in other sections of this Zoning Ordinance, nor in any way which causes it to occupy more space within the Floodplain Overlay Zone that was occupied by it on the effective date of this Ordinance;
4. Replacement and Rebuilding:
 - A. A nonconforming use or structure may be replaced, repaired or rebuilt if it is damaged or destroyed by any means, including floods, to the

extent of less than fifty percent (50%) of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this Zoning Ordinance shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this section;

- B. A nonconforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty percent (50%) or more of its fair market value at the time of its damage or destruction shall not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with Section 230.11.3. and all other sections of this Zoning Ordinance, and all other ordinances of the Township. The Zoning Hearing Board may waive as a special exception, the requirements of this paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operations of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the provisions of this section, while respecting and maintaining the purpose and intent of this section;
 - C. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer may be made to the Zoning Hearing Board; and,
 - D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty percent (50%) of its fair market value, shall be elevated and/or floodproofed to the greatest extent possible.
5. Historic Structures - The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of Sections 230.9.2. and 230.9.4.B. for any historic structure, as defined herein;
6. Special Requirements for Manufactured homes:
- A. Manufactured homes are prohibited in the Floodplain Overlay Zone, except as a continuation of a nonconforming use;
 - B. If any existing manufactured home shall be replaced, reconstructed, or expanded by addition thereto, then the manufactured home shall be:
 - a. Anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:
 - i. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations for units fifty feet (50') or more in length, and one (1) additional tie per side for units less

than fifty feet (50') in length;

ii. Frame ties shall be provided at each corner of the manufactured home, with five (5) additional ties per side at intermediate locations for units fifty feet (50') or more in length, and four (4) additional ties per side for units less than fifty feet (50') in length; and,

iii. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

b. Elevated in accordance with the following requirements:

i. The manufactured home shall be elevated on a permanent foundation so that its lowest floor is one and one-half feet (1½') or more above the elevation of the one hundred (100) year flood;

ii. Adequate surface drainage is provided; and,

iii. Adequate access for a hauler is provided.

C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township Supervisors for manufactured home parks.

230.10. Elevation and Construction Requirements

1. Applicability - The standards included in this section are to be used, together with the provisions of all other sections and all other ordinances in force in the Township by the Zoning Officer and Zoning Hearing Board in their administration of this section. In order to prevent excessive damage to buildings and structures due to flooding conditions, the following provisions shall apply to all proposed construction or development occurring in any of the Floodplain Overlay Zones:

2. Regulations and Reviews by Other Agencies:

A. Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of special exceptions, variances, or permits may be granted by the Township;

B. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by the Township, any approval of special exceptions, variances, or permits by the Township shall be conditioned upon receiving such other agencies' permits or written approvals; and,

C. No regulations of the Commonwealth governing watercourses are amended or repealed by this Ordinance. Prior to any proposed alteration or relocation of any watercourse, a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Dams and Encroachment Division, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit applications and municipal notifications shall be forwarded to the

3. Residential Structures:

Within any designated Floodplain Overlay Zone, the lowest floor (including basement) of any new or improved residential structure shall be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation.

4. Non-Residential Structures:

Within any designated Floodplain Overlay Zone, the lowest floor (including basement) of any new or improved non-residential structure shall be at least one and one-half (1-1/2) feet above the one hundred (100) year 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. Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972).

5. Anchoring

- A. All buildings or structures shall be anchored to prevent flotation, movement or collapse in accordance with accepted engineering practices.
- B. All air ducts, large pipes and storage tanks located at or below the established flood elevation shall be firmly anchored to prevent flotation in accordance with accepted engineering practices.

6. Placement of Buildings and Structures

- A. All buildings and structures shall be designed, constructed and placed on the lot so as to offer the minimum obstruction to the flow of water.
- B. The following shall not be placed or caused to be placed in identified flood-prone areas: fences, except two-wire fences, other structures or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water or that is placed where the natural flow of the stream of flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood-prone areas.

7. Floors, Walls and Ceilings

- A. Wood floorings used below an elevation of one (1) foot above the established flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

- B. All finished flooring below an elevation of one (1) foot above the established flood elevation shall be made of materials which are stable and resistant to water damage resulting from submersion.
- C. All carpeting or carpet cushions employed as a finished flooring surface below an elevation of one (1) foot above the established flood elevation shall be made of materials which are resistant to water damage resulting from submersion.
- D. Plywood used below an elevation of one (1) foot above the established flood elevation shall be of an "exterior" or "marine" grade of water-resistant or water-proof variety.
- E. Basement ceilings below an elevation of one (1) foot above the established flood elevation shall have sufficient wet strength and be so installed as to survive inundation.

8. Electrical Systems

- A. All electrical water heaters, electric furnaces, and other critical electrical installations shall be prohibited below an elevation of one (1) foot above the established flood elevation.
- B. Electrical distribution panels shall be placed at least three (3) feet above the established one hundred (100) year flood elevation.
- C. Separate electrical circuits serving areas below the established flood elevation shall be dropped from above.

9. Plumbing

- A. Water heaters, furnaces, and other critical mechanical installations shall be prohibited below an elevation of one (1) foot above the established flood elevation.
- B. No part of any on-site sewage disposal system shall be allowed within the identified flood-prone area(s).
- C. Water supply systems and sanitary sewage systems shall be designed to preclude infiltration of flood waters into the systems and discharges from the system into flood waters.
- D. All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

10. Paints and Adhesives

- A. Adhesives used below an elevation of one (1) foot above the established flood elevation shall have a bonding strength that is unaffected by inundation.
- B. Doors and all wood trim used below an elevation of one (1) foot above the established flood elevation shall be sealed with a

waterproof paint or similar product.

- C. Paints or other finishes used below an elevation of one (1) foot above the established flood elevation shall be capable of surviving inundation.

11. Storage

No materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal, or plant life, shall be stored in a flood-prone area unless they are properly anchored and/or floodproofed to preclude their causing damage to life and property.

12. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure drainage at all points 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.

13. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

14. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

15. Utilities

All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

230.11. Standards and Criteria for Special Exceptions and Variances - In addition to the provisions of this Zoning Ordinance, in hearing and deciding upon special exceptions and/or variances to the provisions of this Section 230, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

1. No special exception shall be granted for any use except those specifically permitted by Section 230.7. of this Ordinance.
2. No special exception or variance shall be granted for any use, structure or development that would diminish the capacity of the channels or floodway of any stream, as defined herein, or raise the base flood elevation, unless specifically authorized by the Federal Emergency Management Agency;
3. In addition to the standards generally applicable to variances, variances shall

only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable laws, ordinances or regulations;

4. Variances shall only be granted upon the determination that the variances are the minimum necessary to afford relief, considering the flood hazard. The applicant must also comply with any other conditions imposed by the Zoning Hearing Board;
5. Whenever a variance is granted, the Board shall notify the applicant in writing that:
 - A. The granting of the variance may result in increased premium rates for flood insurance if construction occurs below the one hundred (100) year flood elevation; and,
 - B. Such variance may increase the risk to life and property;
6. In granting a special exception or variance, the Board shall require that all buildings and structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood;
7. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board. The Board shall report such decisions in the annual report sent to the Federal Emergency Management Agency; and,
8. In hearing and deciding upon variances or special exceptions to this section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist in arriving at a fair and impartial determination. Such information shall be signed, sealed and certified by a registered professional of the Commonwealth of Pennsylvania. Such certification shall acknowledge the accuracy of the information and the qualification of the individual to provide such information. In addition to that information required by Sections 230.11. and 701 of this Ordinance, such required information may include, but is not limited to, the following:
 - A. Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel;
 - B. A typical valley cross-section showing the channel of the watercourse, elevations of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information;
 - C. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and

downstream; soil types; and other pertinent information;

- D. A profile showing the slope of the bottom of the channel of flow line of the watercourse;
 - E. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities;
 - F. Evidence that 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;
 - G. Evidence that the proposed use is consistent with the need to minimize flood damage and conforms with the requirements of this and all other applicable codes and ordinances;
 - H. Evidence that all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and,
 - I. Evidence that adequate drainage is provided so as to reduce exposure to flood hazards.
9. In hearing and deciding upon special exceptions, the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance and:
- A. the danger to life and property due to increased flood heights or velocities caused by encroachments;
 - B. the danger that materials may be swept on to other lands or downstream to the injury of others;
 - C. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
 - D. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - E. the importance of the services provided by the proposed facility to the community;
 - F. the requirements of the facility for a waterfront location;
 - G. the availability of alternative locations not subject to flooding for the proposed use;
 - H. the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - I. the relationship of the proposed use to the comprehensive plan and

floodplain management program for the area;

- J. the safety of access to the property in times of flood of ordinary and emergency vehicles;
- K. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
- L. such other factors which are relevant to the purposes of this Ordinance.

10. Supplemental Technical Review

The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters such as the adequacy of hydrologic and hydraulic analyses being performed in accordance with standard engineering practices.

230.12. Municipal Liability - The lawful granting of a permit or making of any administrative decision under this section shall not constitute a representation, guarantee, or warranty of any kind by West Pennsboro Township, or by any official, agent, or employee thereof, of the practicability or safety of any structure, use, or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or a cause of action against, such public body, official, agent, or employee for any flood damage that may result pursuant thereto or as a result of reliance on this section. There is also no assurance that lands not included in the Floodplain Overlay Zone are now or ever will be free from flooding or flood damage.

Section 231 Riparian Buffer Overlay Zone (RB)

231.1. Purpose - The requirements of this Section help to create and/or restore wooded buffers along important watercourses and surface water bodies upon the Township's landscape. Specific measures will promote beneficial vegetation to reduce harmful erosion, absorb nutrients, reduce surface water pollution, offer year-round nourishment and habitat for animal wildlife both with and adjoining the water feature, reduce surface water temperature, offer interconnected linear paths for habitat migration and close-to-home passive open spaces amid the developing landscape.

231.2. Applicability Any property adjoining a watercourse or portion thereof, that is typically inundated throughout the year shall provide a riparian buffer in accordance with the following standards or, in the alternative, as approved by the USDA Natural Resources Conservation Service (NRCS) with input from the Township. (It is noted that landowners are encouraged to review the manual entitled "A Guide for Establishing and Maintaining Riparian Forest Buffers" published by the Chesapeake Bay Program. Properties with up to two (2) acres that contained a principal use on the effective date of this Ordinance, shall only be required to provide that riparian buffer as described for Zone 1 in the following Section 231.3.2.A. of this Ordinance.

231.3. Riparian Buffer Delineation

1. The applicant shall clearly depict upon a site plan the proposed riparian buffer as reviewed by the USDA Natural Resources Conservation Service (NRCS).
2. As an alternative the applicant shall clearly depict upon the site plan the proposed riparian buffer comprised of the following three separate Zones:
 - A. Zone 1: The landward area located between the streambank edge under typical flow conditions, pond or lake shorelines at the high water level and the largest combined width of all of the following:
 1. fifteen feet (15'), as measured directly perpendicular from the streambank/shoreline edge;
 2. any adjoining identified wetlands; and/or,
 3. any adjoining area characterized by slopes exceeding twenty-five percent (25%).
 - B. Zone 2: The area beginning at the inland edge of the above-described Zone 1 and extending at least fifty feet (50') inland therefrom or to the inland edge of the 100 year floodplain, whichever creates the greatest width; and,
 - C. Zone 3: The area beginning at the inland edge of the above-described Zone 2 and extending at least ten feet (10') inland therefrom. Where a pasture is proposed just beyond the above-described Zone 2, no Zone 3 is required.

231.4. Riparian Buffer Use

1. Permitted uses - No use shall be permitted that interferes with the natural

maturation of the above described buffer plantings, except as follows:

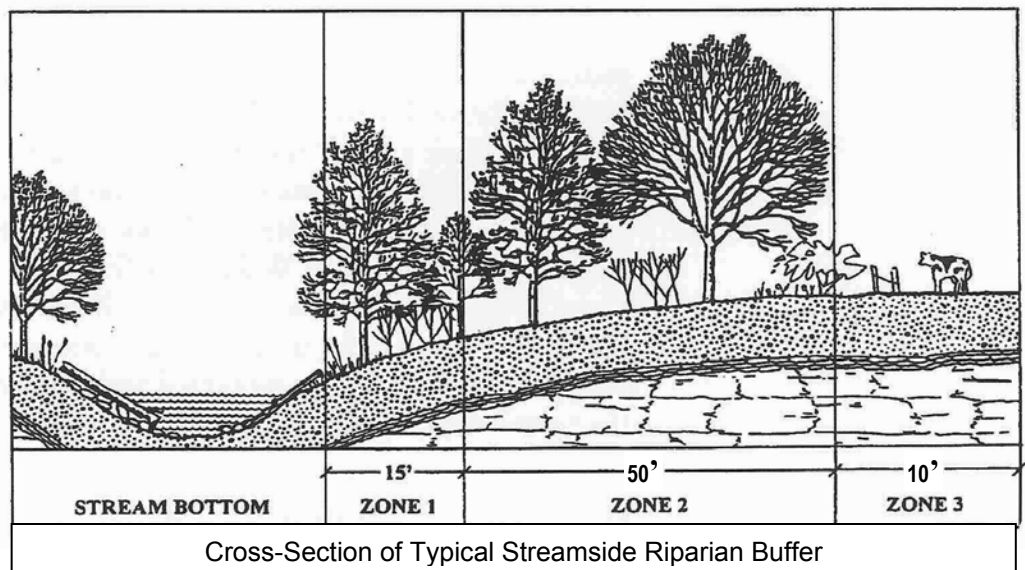
- A. Corridor crossings for farm vehicles and livestock and livestock watering facilities, all of which are accompanied by written evidence of approval of a water obstruction permit by the PA DEP;
 - B. Public roads and improvements thereto that existed on the effective date of this Ordinance;
 - C. Corridor crossings for roads and railroads provided that such crossings are accomplished upon the least possible land area and disruption of the adjoining riparian buffer is minimized;
 - D. Public sewer lines, public water lines and other public utilities, provided such facilities are installed in such a manner that is most compatible with the installation and ongoing maintenance of the required buffer plantings as described in Section 231.5. of this Ordinance;
 - E. Passive recreation uses that prevent the harmful compaction of soil, tree root damage and avoid the channelization (natural or man-made) of surface water flow. Pedestrian paths can cross Zones 1, 2 and 3 provided that such paths are accomplished upon the least possible land area and disruption of the adjoining riparian buffer is minimized. Pedestrian paths can parallel through Zone 2. All pedestrian paths shall be provided with stable pervious surfaces; and,
 - F. Streambank improvement projects that have been approved by the USDA Natural Resources Conservation Service (NRCS) and/or the PA DEP.
2. Prohibited uses – The following uses and activities are expressly prohibited within a riparian buffer. This listing of prohibited uses and activities shall not be interpreted to permit other activities not listed, unless they are permitted by Sections 231.4.1. of this Ordinance:
- A. Except as permitted in the above Section 231.4.1., any use that interferes with the natural maturation of the buffer plantings required in Section 231.5. of this Ordinance;
 - B. Except as permitted in the above Section 231.4.1., any use that interferes with the maintenance of the buffer plantings required in Section 231.6. of this Ordinance;
 - C. Storage and/or disposal of any toxic, hazardous or noxious materials and substances;
 - D. Application of fertilizers, pesticides, herbicides and/or other chemicals in excess of that permitted on an approved conservation and/or nutrient management plan as approved by the Cumberland County Conservation District (CCCD) and/or local office of the USAD Pennsylvania Natural Resources Conservation Service.
 - E. Areas devoted to the on-site absorption of sewage effluent and/or

agricultural fertilizers including but not limited to manure; and,

F. Timber harvesting as regulated by Section 323 of this Ordinance.

231.5. Riparian Buffer Plantings

1. Each of the respective Zones of the riparian buffer shall include vegetation that already exists or will be planted and maintained by the applicant that satisfies the following design objectives. The applicant shall submit expert evidence that the existing and/or proposed vegetation satisfies such objectives that shall include a graphic depiction of proposed plantings and a schedule of vegetative species:
 - A. Zone 1: This Zone must include mature canopy trees and a ground cover of warm season grasses. New tree plantings should be selected, arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. New grass plantings shall be selected and managed to filter out pollutants and offer habitat. All vegetation selected for this Zone must thrive in wet conditions;
 - B. Zone 2: This Zone must include mature canopy trees generally three rows deep with a natural undercover. New tree plantings shall be selected that are rapid growing to intercept passing nutrients. Such trees shall be arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. Successive undercover plants shall be allowed to “evolve” with the canopy of this Zone. All vegetation selected for planting within the 100 year floodplain must thrive in wet conditions; and,
 - C. Zone 3: This Zone shall be planted with warm season grasses that are allowed to mature naturally without mowing. The tall grasses shall be managed to produce uniform overland stormwater flows do not “channel” into Zone 2. New grass plantings shall be selected and managed to enable controlled grazing or haying so long as the grasses are not reduced to a point such that they no longer effectively disperse the surface flow.



231.6. Riparian Buffer Maintenance

1. Riparian buffers must be generally undisturbed. Mature trees and long grasses absorb more nutrients than do manicured plants. Similarly, the more extensive root systems retain passing sediments. These characteristics reduce pollution and yield abundant food and habitat for wildlife. The temptation to “over-maintain” the streamside must be overcome.
2. Where riparian buffers are to be located upon common property, the applicant must include a working plan that ensures perpetual maintenance of such buffer zones as specified in this Section 231.5.
3. Where riparian buffers are to be located upon private property, the applicant must include a legally-binding instrument (e.g. easement, covenant, deed restriction, etc.) in a form acceptable to the Township Solicitor which shall designate West Pennsboro Township as the grantee and ensures perpetual maintenance of such buffer zones as specified in this Section 231.5. Then all affected landowners shall be required to abide by such legal instrument.
4. The following lists required maintenance activities for each zone:
 - A. Zone 1: This Zone compels little maintenance. As trees mature, die and decay, it is important that such natural debris be allowed to decompose within the stream. This will provide important food and habitat for beneficial microorganisms, fish and amphibious animals. However, any debris that may cause a rise in the floodplain due to obstruction or displacement shall be removed promptly. Streamside grasses shall be allowed to seasonally flourish and recede. Streamside cleanup of junk and man-made debris is permitted.
 - B. Zone 2: This zone requires the most attention, but not for some time after initial planting. Here, the objective is to develop a stable and broad canopy of tree cover. The trees within Zone 2 are fast-growing and therefore consume many nutrients. The regular pruning and trimming of these trees will increase their nutrient consumption, but should not jeopardize the important overhead canopy of shade. The natural undercover shall be undisturbed, except for periodic litter cleanup; and,
 - C. Zone 3: This Zone also requires little maintenance. Long summer grasses shall be allowed to flourish and recede with the seasons. Grazing and haying are permitted so long as the residual grass length is sufficient to disperse overland stormwater flows into Zone 2 and avoid channelization.

- 231.7. Emergency Tree Cutting** - At any time, a landowner may cut-down any tree within the Riparian Buffer Overlay Zone that, because of its condition, location or any other factor, poses an immediate threat to the public health and safety in accordance with the standards listed in Section 323.5. of this Ordinance. However, any trees removed shall be replaced in accordance with the requirements of the following Section 231.8. of this Ordinance.

231.8.**Tree Replacement Standards**

1. Any person, partnership, corporation, and/or property owner who or which removes or destroys trees required by this Section 231 of this Ordinance shall be subject to the penalties for violation as outlined herein and is responsible for replacement of said trees. This replacement shall be done on a tree-for-tree basis if the number of trees removed in violation of this ordinance can be identified. If the number of trees cannot be identified, then the trees shall be replaced at a rate of one tree per seven hundred fifty (750) square feet of area of tree removal as determined by the Township Zoning Officer or as suggested by a qualified forester to accomplish the purposes of this Riparian Buffer Overlay Zone.
2. Any person, partnership, corporation, and/or property owner who or which removes any tree(s) in accordance with the previous Section 231.7. of this Ordinance shall be responsible for replacement of said trees. This replacement shall be done on a tree-for-tree basis or as suggested by a qualified forester to accomplish the purposes of this Riparian Buffer Overlay Zone.
3. Replacement trees shall be deciduous, noninvasive, native to the Township, nursery stock grown within a locale with similar climatic conditions as found within the Township, well branched, and free of disease. The trees shall be balled and burlapped and not less than two (2) inches in caliper measured at breast height. The trees shall be at least ten (10) feet tall after planting and trimming. Branching shall start not less than six (6) feet from the top of the root ball.
4. Replacement trees shall be placed in accordance with the standards of Section 231.5. of this Ordinance as long as such location does not violate any other provision of this ordinance or laws of the State.
5. Replacement trees cannot be used as credits to meet other planting requirements of this ordinance relative to street tree plantings, landscape buffer, unless the original trees would have satisfied such requirements. Any replacement trees that are to be counted as required screening shall comply with the standards listed in Section 313.3. of this Ordinance.
6. Replacement trees shall be planted within ninety (90) days of initial tree removal or, if because of the season, at the soonest time suggested by a qualified forester.

General Provisions

Section 300 General Provisions

The regulations contained within Article 3 shall apply to all uses within the Township.

Section 301 Accessory Uses and Structures

301.1. Fences and Walls – Except as noted below for retaining walls, no fence or wall (except livestock, required junk yard or tennis court walls or fences, or the wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than four feet (4') in a front yard, and more than six feet (6') in any other yard within the (A, R, R-1, R-2, MHP, & MU) Zones. Except as noted below for retaining walls, within any (C, I & Q) Zones, no fence nor wall (except livestock, required junk yard or tennis court walls or fences, or the wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than ten (10') in any yard. No fence or wall shall interfere with the required clear sight triangle as listed in Section 310.3. of this Ordinance;

“The use of retaining walls higher than:

- Four (4) feet in a front yard within the (A, R, R-1, R-2, MHP, & MU) Zones;
- Six (6) feet in any side or rear yards within the (A, R, R-1, R-2, MHP, & MU) Zones; and,
- Ten (10) feet in any yard within the (C, I & Q) Zones;

up to a maximum height of thirty (30) feet is permitted, subject to the following findings:

1. That the proposed height of the retaining wall is necessary to facilitate an efficient use of the site and/or protect an important or sensitive natural or cultural feature of the site;
2. That the applicant has submitted written expert evidence from a professional engineer registered to practice within the Commonwealth of Pennsylvania that the proposed retaining wall is designed and will be constructed to assure structural integrity and will in no way adversely affect any underground utility lines and/or interfere with their rights-of-way;
3. That the applicant has provided sufficient separation and physical barriers between the proposed retaining wall and any pedestrian and/or vehicle movement areas to ensure adequate vehicle and pedestrian safety; and,
4. That the base of the retaining wall is setback a horizontal distance at least equal to its height from each property line.

- 301.2. Swimming Pools - No permanent structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent. All swimming pools shall be completely enclosed by a minimum four foot (4') high fence or wall with a self-closing and lockable gate; however, this does not apply to above-ground pools having a wall measuring four feet (4') in height and having a retractable ladder. Such fence or wall shall be erected before any pool is filled with water. All pools must be set back at least ten feet (10') from all lot lines. No water from a pool shall be discharged onto any public street or alley. These requirements shall not apply to man-made ponds, lakes or other impoundments, unless the primary purpose for their construction is swimming;
- 301.3. Tennis Courts - All tennis courts shall include an open mesh permanent fence ten feet (10') in height behind each baseline. Such fence shall extend parallel to said baseline at least ten feet (10') beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining property and shielded to prevent light from being projected upward;
- 301.4. Satellite Dish Antennas - Except as noted below, satellite dish antennas are subject to all accessory use standards. Furthermore, no satellite dish antenna exceeding one (1) meter (39.37 inches) in diameter located within the (A, R, R-1, R-2, MHP, & MU) shall be used to transmit video format data.
- All satellite dish antennas that are used to transmit video format data shall require installation by a professional installer who can locate and design such antenna to minimize the human exposure to the transmit signal at close proximity and/or for an extended period of time. The applicant shall be required to submit written proof of such "safe" installation prior to the issuance of a zoning permit for the satellite dish antenna. In addition, any ground-mounted antenna exceeding one (1) meter (39.37 inches) that is used to transmit video format data shall be completely enclosed by an eight foot (8') high, nonclimbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the (C, I, and Q) Zones shall comply with all principal use standards;
- 301.5. Alternative Energy Sources - Except for those contained on farms, Wind Energy Conversion Systems (WECS) shall not be permitted in the front yard area of any property. Height regulations do not apply to WECS units, provided that the height of the WECS unit shall not be greater than the shortest distance measured along a horizontal plane from the unit to any lot line. WECS units may be placed on the roof of any structure, provided that the perimeter of the unit does not cover twenty-five percent (25%) of the roof area of the structure on which the WECS unit is placed. The additional height extension shall be so positioned that the height of the WECS unit above the roof is less than the distance measured along a horizontal plane from such unit to any lot line. All transmission lines to and from any freestanding WECS unit or any supporting building or structure shall be buried underground. Solar energy units shall be permitted in any zone and subject to the requirements of that zone;
- 301.6. Ornamental Ponds and Wading Pools:
1. Such structures shall comply with all accessory use setbacks;
 2. All such ponds or pools shall be maintained so as to not pose a nuisance by reason of odor, or the harboring of insects; and,

3. No such pond(s) shall be used for the commercial hatching of fish or other species;

301.7. Man-Made Lakes, Dams, and Impoundments:

1. All lakes, dams, ponds and impoundments may be permitted in any zone, subject to the following:
2. All dams, ponds, lakes and impoundments located along and connected to a stream, that involve any of the following, shall require the obtainment of a permit from the PA DEP Bureau of Dams, Waterways and Wetlands Division of Dam Safety, or a letter indicating that the proposed use does not require a PA DEP permit:
 - A. The dam, pond or impoundment contains a volume of at least fifty (50) acre feet;
 - B. The dam reaches a height of fifteen feet (15'); or,
 - C. The dam, pond or impoundment impounds the water from a watershed of at least one hundred (100) acres.
3. All dams, ponds and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty feet (50') of a stream shall require the obtainment of a permit from the PA DEP Bureau of Dams, Waterways and Wetlands, Division of Waterways and Storm Water Management;
4. All dams, ponds and impoundments meeting the requirements of Section 301.7.2. of this Ordinance shall be located seventy-five feet (75') from all adjoining lot lines, as measured from the closest point of the adjoining property line to the maximum anticipated water surface elevation; Furthermore, all dams, ponds and impoundments, including storm water management basins shall be located a minimum of fifty feet (50') from any subsurface sewage disposal system or well; and,
5. All other dams, ponds and impoundments require the submission of statement by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one and one-half feet (1 1/2') above the water surface elevation occurring during the base flood.

301.8. Garage/Yard Sales - Within any zone, an owner and/or occupant may conduct up to three (3) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. Only one four (4) square foot sign shall be permitted advertising the garage/yard sale located upon the premises where the sale occurs, and shall be erected no sooner than seven (7) days prior to the sale and removed promptly upon the completion of the sale. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way, except that parking may occur where permitted. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization;

301.9. Accessory Repair of Personal Motor Vehicles - The routine maintenance,

repair and servicing of personal motor vehicles, owned and/or leased by the person performing such services when performed outside of a completely enclosed building within any zone is permitted by an occupant of the residence, but only in compliance with the following:

1. All vehicles shall be maintained with proper licensure;
2. All work shall be performed on the vehicle owner's (leasee's) property of residence;
3. Work shall be limited to the following:
 - A. Servicing and replacement of spark plugs, batteries, distributors and distributor parts;
 - B. Repair and replacement of tires and wheels, excluding recapping or re-grooving;
 - C. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, fuses, floor mats and carpeting, seat covers, seat belts, windshields and other windows, windshield wipers, mirrors, and engine coolants;
 - D. Repair and replacement of car radios, tape players, amplifiers, and speakers;
 - E. Cleaning and flushing of radiators only when flushed into a water-tight catch basin;
 - F. Repair and replacement of fuel pump, oil pump, and line repairs;
 - G. Minor servicing and adjustment of carburetors;
 - H. Minor motor adjustments not involving the removal of the motor head or crankcase, nor the revving of the motor;
 - I. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating; and,
 - J. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, rubbing, polishing, waxing, and the application of paint sealants;
4. All by-product or waste fuels, lubricants, chemicals, and other products shall be properly disposed of; and,
5. All such activities shall be conducted so as not to disturb neighboring residents owing to noise.

- 301.10. Domestic Pets - Within any dwelling, the noncommercial keeping of domestic pets shall be permitted by right; provided, however, that no more than four (4) adult dogs shall be permitted. The Zoning Officer shall determine those animals that constitute suitable domestic pets considering the size, number and likely impact such animals would have upon adjoining properties and the neighborhood. Appeals from the Zoning Officer's determination shall be provided as per Section 604.5. of this Ordinance.

Section 302 Heavy Equipment and Recreational Vehicle Storage and Other Outdoor Storage

- 302.1. Recreational Vehicles, Boats, and Trailers - Within any (R, R-1, R-2, MU and MHP) Zone, and upon any residential property located within an approved cluster development in accordance with Section 414 of this Ordinance, regardless of its Zone, the unenclosed storage of recreational vehicles, boats and trailers shall be permitted with specific standards. Only trailers used for domestic purposes and trailers used solely for the residents' recreational vehicle(s) are permitted to be stored. Domestic use trailers shall not exceed fifteen (15) feet in length. The standards for storage shall be:
1. The parking or storage of up to two (2) above referenced recreational vehicles, boats and trailers shall be permitted per lot behind the building setback line, so long as such recreational vehicles, boats and trailers are set back no less than ten (10) feet from any adjoining lot line.
 2. The temporary parking of one (1) recreational vehicle that cannot meet the parking and storage criteria as per Section 302.1.1. of this Ordinance shall be permitted for periods not to exceed seventy-two (72) hours during any calendar month, provided that such vehicle does not extend into the street right-of-way.
 3. On vacant lots, the vehicle must be stored behind the required front yard setback line as specified for principal uses.
- 302.2. Within any Zone, the parking or storage of heavy equipment shall only be permitted if such vehicles are related to any principal or accessory use of the property;
- 302.3. Upon properties used for residential purposes, the parking or storage of heavy equipment shall be only permitted:
1. Within an enclosed garage;
 2. Under a carport;
 3. Within the front yard upon a driveway, provided that such equipment is located behind the required front yard setback line and is no less than ten feet (10') from the closest side and/or rear lot line; and,
 4. Outside of a front yard provided that such equipment is located no less than ten feet (10') from the closest side and/or rear lot line.
- 302.4. No heavy equipment or recreation vehicle shall be used as a residence or any other living, sleeping, lodging, or housekeeping activities for a period exceeding thirty (30) days during any calendar year;
- 302.5. No heavy equipment, recreation vehicle, portable storage pod, or truck bed shall be used for the purpose of providing storage for any residence or business;
- 302.6. Under the following circumstances, the parking or storage of heavy equipment and recreation vehicles are exempt from the preceding regulations:
1. When heavy equipment is engaged in local deliveries;
 2. When the equipment or vehicle experiences mechanical failure requiring

- towing or repair. In such cases, the vehicle is permitted to remain until it can be towed or repaired, but not exceeding twenty-four (24) hours;
3. While the driver eats a meal or takes a rest for no longer than two (2) hours;
 4. When heavy equipment is actively used at a construction site; and,
 5. When heavy equipment is owned or contracted by the Township.
- 302.7. Outdoor Stockpiling - In all (R, R-1, R-2 and MU) Zones, no outdoor stockpiling of any material is permitted in the front yard and the outdoor stockpiling of materials (except firewood) for more than one (1) year, is prohibited;
- 302.8. Trash, Garbage, Refuse, or Junk - Except as provided in Sections 429 and 441 of this Ordinance, the outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited;
- 302.9. Dumpsters - All trash dumpsters shall be located within a side or rear yard, screened from adjoining roads and properties, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate;
- 302.10. Domestic Composts - The placement of framed enclosure composts 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, be composted. All composts shall be properly maintained so as not to become a nuisance to nearby properties; and,
- 302.11. Parking and Storage of Unlicensed or Uninspected Motor Vehicles - No more than one (1) motor vehicle without current, valid license plates or current, valid inspection stickers shall be parked or stored in any zone for more than forty-five (45) days other than in a completely enclosed building. 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 highways. Nothing contained herein shall be deemed to authorize the parking or storage of any motor vehicle in any zone, unless such motor vehicle is an accessory use to the present use of the lot. Notwithstanding the foregoing, this section, in and of itself, shall not be interpreted to prevent the unenclosed storage of motor vehicles without current, valid license plates and current, valid inspection stickers if such storage is performed in conjunction with the legal operation of a motor vehicle sales establishment, a motor vehicle service or repair establishment, or a junkyard.

Section 303 Setback Modifications

- 303.1. Front Setback of Buildings on Built-Up Streets - Where at least two (2) adjacent buildings within one hundred feet (100') of a property are set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than ten feet (10') from any abutting street right-of-way line; and,
- 303.2. Accessory or Appurtenant Structures - The setback regulations do not apply to:
1. Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions but do apply to porches and patios whether covered or not;
 2. Open fire escapes;
 3. Minor public utility structures, articles of ornamentation or decoration;

- and,
- 4. Fences, hedges and retaining walls.

Section 304 Height Limit Exceptions

- 304.1. The height regulations do not apply to the following structures or projections provided such structures or projections are set back a horizontal distance at least equal to their height from any property line:
- 1. Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, or other similar structures;
 - 2. Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances; and,
 - 3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five feet (5') above the roof line; and,
- 304.2. In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

Section 305 Corner Lots

A front yard, as provided for in the area and lot requirements for the various zones, shall be required along each street on which a corner lot abuts.

On any corner lot, no wall, fence, or other structure shall be erected, altered, or maintained, and no hedge, tree, or other growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, no such structure or growth shall be permitted within an area which is formed by a triangle where the two legs of the triangle extended one hundred feet (100') from the centerline intersection of the two intersecting streets.

Section 306 Minimum Habitable Floor Area

All dwelling units must conform to the minimum habitable floor area following:

- 306.1. Single-family, duplex, and townhouse dwelling units: seven hundred (700) square feet per dwelling unit; and,
- 306.2. Multi-family dwellings: four hundred (400) square feet per dwelling unit.

Section 307 Erection of More Than One Principal Use On a Lot

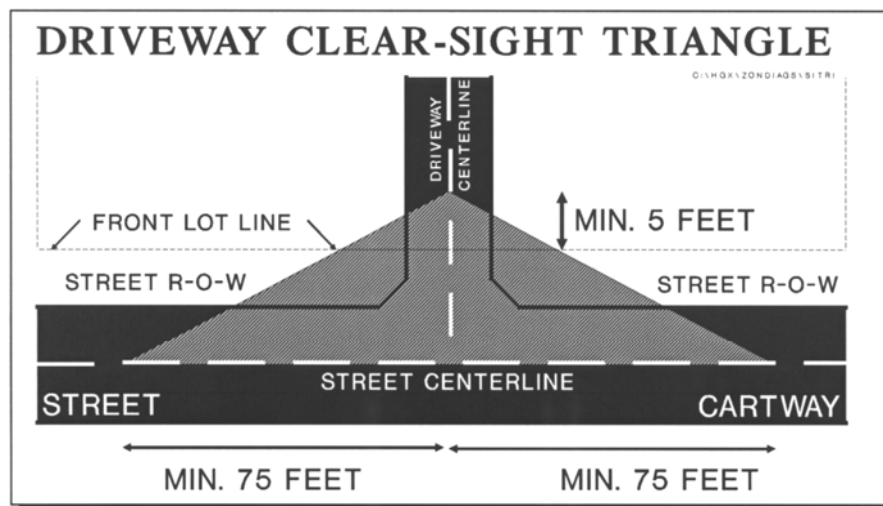
More than one principal use may be erected on a single lot provided that all lot and yard requirements, standards, and other requirements of this Ordinance shall be met for each structure, as though it were on an individual lot. In addition, such proposals require an approved land development plan, and must provide individually approved methods of sewage disposal.

Section 308 Required Vehicular Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street. The erection of buildings without approved access shall not be permitted. Approved access shall be defined in terms of the Subdivision and Land Development Ordinance, as may be amended from time to time, for street design or as subsequently provided for by the Township. Access to lots containing single-family dwellings shall be via driveways (see Section 309); access to lots containing other uses shall be via access drives (see Section 310).

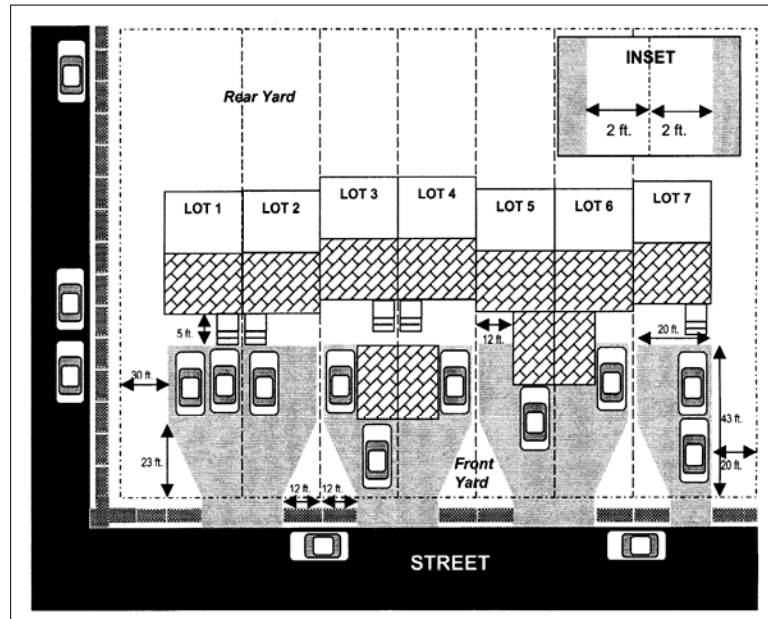
Section 309 Driveway Requirements (Single-Family Dwelling)

- 309.1. Number Per Lot – For lots with less than two-hundred (200) feet of road frontage no more than one (1) driveway connection shall be permitted. For lots with more than two-hundred (200) feet of road frontage, no more than two (2) driveway connections shall be permitted;
- 309.2. Setbacks - Driveways shall not connect with a public street within forty feet (40') of the right-of-way lines of any intersecting streets, within five feet (5') of a fire hydrant, nor within three feet (3') of adjoining lot lines, unless a joint-use driveway straddles the property line;
- 309.3. Clear-Sight Triangle - Driveways shall be located and constructed so that a clear-sight triangle as depicted below is provided. Two 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 and street intersect. The vertex of the triangle shall be located along the centerline of the driveway, on the site and five feet (5') from the property/street right-of-way line. No permanent obstructions and/or plant materials over three feet (3') high shall be placed within the clear-sight triangle;



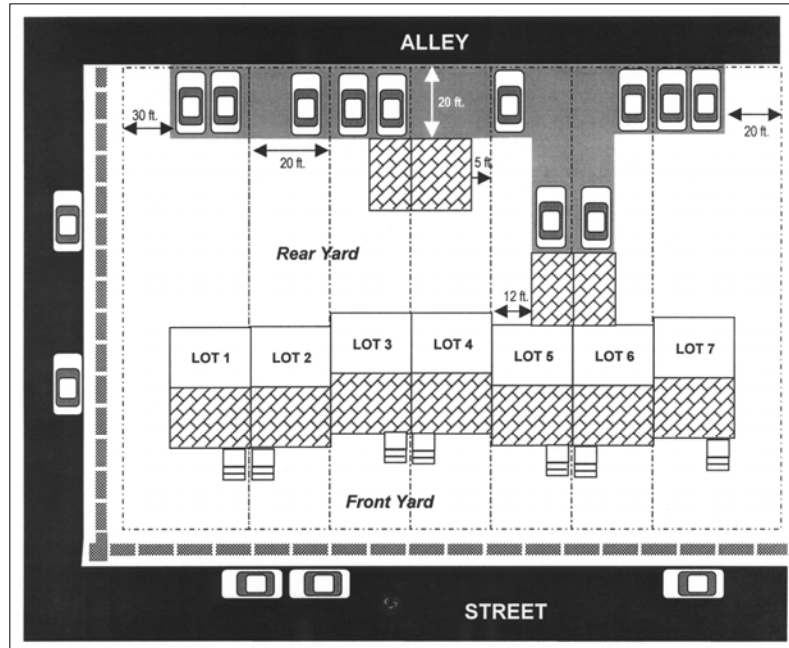
- 309.4. Slope - A driveway shall not exceed a slope of eight percent (8%) within twenty-five feet (25') of the street right-of-way line;
- 309.5. Road Classification - Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved;
- 309.6. Driveway Width - No driveway shall provide a curb cut exceeding twenty-four feet (24') in width;

- 309.7. PennDOT & Township Permit - Any driveway intersecting with a State-owned road shall require the obtainment of a driveway permit from the Pennsylvania Department of Transportation.; Any driveway intersecting with a Township-owned road shall require the obtainment of a driveway permit in accordance with the Township Driveway Ordinance;
- 309.8. Drainage - Driveways shall not be constructed in a manner to be inconsistent with the design, maintenance, and drainage of the street and/or adjoining swales;
- 309.9. Driveways shall be paved from the street cartway to the edge of the street right-of-way;

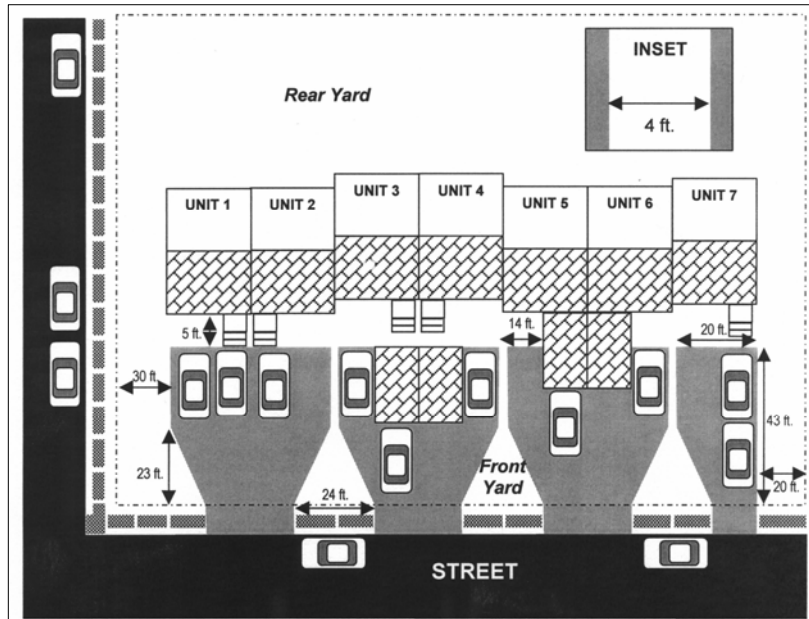


- 309.10. Townhouses on individual lots are permitted to utilize front-yard driveways and garages, if such driveways are designed and constructed to provide independent access to both required off-street parking spaces, are only connected to local roads, and comply with the following as depicted above:
1. Such driveways must be arranged as a side-by-side, joint-use driveway with an adjoining townhouse (see LOTS 1-6), except that one (1) end unit within a townhouse grouping containing three (3), five (5) or seven (7) units may use one (1) freestanding driveway (see LOT 7);
 2. Such driveway shall be at least forty-three feet (43') in length (see LOT 7), and the side-by-side, off-street parking spaces shall be set back at least twenty-three feet (23') from the street line (see LOT 1);
 3. Such driveways must be set back at least:
 - A. twelve feet (12') from any lot line of an adjoining townhouse that does not share the joint-use driveway, as measured at the street line (see LOTS 2 and 3);
 - B. two feet (2') from any lot line of an adjoining townhouse that does not share the joint-use driveway (see the inset in the above diagram);
 - C. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see LOT 1);
 - D. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7); and,
 - E. five feet (5') from the closest point of any building other than a garage (see LOT 1).
 4. No individual driveway shall be narrower than twenty feet (20') (see LOT

- 7);
5. Garages must be attached to, and rely upon, a driveway as permitted above;
 6. Garages must be set back at least:
 - A. twenty-three feet (23') from the street right-of-way (see LOT 1);
 - B. twelve feet (12') from any lot line of an adjoining townhouse that does not share a joint-use driveway (see LOT 5);
 - C. five feet (5'), when detached from any building on the site (see LOT 1); and,
 - D. twenty feet (20') from the lot line of an end unit that abuts another end unit or a non-townhouse use (see LOT 7).



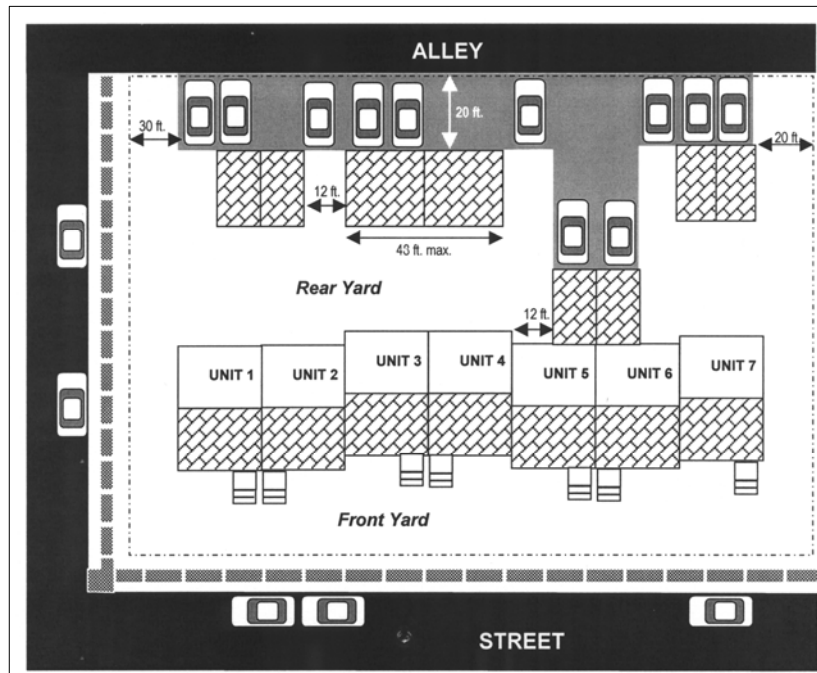
- 309.11. Townhouses on individual lots are permitted to utilize rear yard driveways and garages, if such driveways are designed and constructed to provide independent access to both required off-street parking spaces, and comply with the following as depicted above:
1. Such driveways must be arranged as a side-by-side, joint-use driveway with an adjoining townhouse (see LOTS 1-7);
 2. Such driveways must be set back at least:
 - A. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see LOT 1);
 - B. twenty feet (20') from the lot line of an end unit that abuts another end unit or a non-townhouse use (see LOT 7); and,
 - C. five feet (5') from the closest point of any building other than a garage.
 3. No individual driveway shall be narrower than twenty feet (20') (see LOT 2);
 4. Garages must be attached to, and rely upon, a driveway as permitted above;
 5. Garages must be set back at least:
 - A. twenty feet (20') from the alley right-of-way (see LOT 4);
 - B. twelve feet (12') from any townhouse unit that is not directly attached to the garage (see LOT 5);
 - C. five feet (5'), when detached from any building on the site;
 - D. five feet (5') from any adjoining lot line that does not share the same garage structure (see LOT 4); and,
 - E. eighteen feet (18') from the lot line of an end unit that abuts another end unit or a non-townhouse use.



309.12.

Townhouses on common property are permitted to utilize front-yard driveways and garages, if such driveways are designed and constructed to provide independent access to both required off-street parking spaces, are only connected to local roads, and comply with the following as depicted above:

1. Such driveways must be arranged as a side-by-side, joint-use driveway with an adjoining townhouse (see UNITS 1-6), except that one (1) end unit within a townhouse grouping containing three (3), five (5) or seven (7) units may use one (1) freestanding driveway (see UNIT 7);
2. Such driveway shall be at least forty-three feet (43') in length (see UNIT 7), and the side-by-side, off-street parking spaces shall be set back at least twenty-three feet (23') from the street line (see UNIT 1);
3. Such driveways must be set back at least:
 - A. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see UNIT 1);
 - B. twenty-four feet (24') from any other driveway or access drive that is not connected to the driveway, as measured at the street line (see UNITS 2 and 3);
 - C. four feet (4') from any other driveway or access drive that is not connected to the driveway (see the inset in the above diagram);
 - D. twenty feet (20') from any outside boundary of the development site or a non-townhouse use (see UNIT 7);
 - E. forty feet (40') between two different driveways serving end units; and,
 - F. five feet (5') from the closest point of any building other than a garage (see UNIT 1).
4. No driveway shall be narrower than twenty feet (20') (see UNIT 7);
5. Garages must be attached to, and rely upon, a driveway as permitted above;
6. Garages must be set back at least:
 - A. twenty-three feet (23') from the street right-of-way (see UNIT 1);
 - B. fourteen feet (14') from any adjoining townhouse that does not share a joint-use driveway (see UNITS 2 and 3);
 - C. five feet (5'), when detached from any building on the site (see UNIT 4);
 - D. eighteen feet (18') from an outside boundary of the development site or a nontownhouse use; and,
 - E. thirty-six feet (36') between two different garages serving end units.



309.13.

Townhouses on common property are permitted to utilize rear yard driveways and garages, if such driveways are designed and constructed to provide independent access to both required off-street parking spaces, and comply with the following as depicted above:

1. Such driveways must be arranged as a side-by-side, joint-use driveway with an adjoining townhouse (see UNITS 1-7);
2. Such driveways must be set back at least:
 - A. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see UNIT 1);
 - B. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see UNIT 7); and,
 - C. five feet (5') from the closest point of any building other than a garage.
3. No individual driveway shall be narrower than twenty feet (20');
4. Garages must be attached to, and rely upon, a driveway as permitted above, and shall be no wider than forty-eight feet (48') (see UNITS 3 and 4);
5. Garages must be set back at least:
 - A. twenty feet (20') from the alley right-of-way (see UNIT 4);
 - B. twelve feet (12') from any townhouse unit that is not directly attached to the garage (see UNIT 5);
 - C. five feet (5'), when detached from any building on the site;
 - D. twelve feet (12') from any adjoining garage that does not share the same garage structure (see UNITS 2 and 3); and,
 - E. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see UNIT 7).

Section 310 Access Drive Requirements (Non-Single-Family Dwelling)

310.1. Access drives are required by this Ordinance;

310.2. The design of access drives shall be in accordance with Section 706.b. of the SLDO as may be amended;

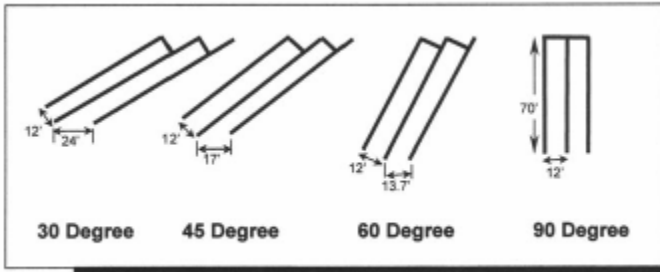
- 310.3. Deviations from the requirements of Section 706.b. of the SLDO that are proposed during the subdivision / land development process shall be permitted as a waiver according under the terms of the SLDO; and,
- 310.4. Deviations from the requirements of Section 706.b. of the SLDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 604.4. of this Zoning Ordinance.

Section 311 Off-Street Parking Requirements

- 311.1. Off-street parking shall be required in accordance with the provisions of this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
1. A building is constructed or a new use is established;
 2. The use of an existing building is changed to a use requiring more parking facilities; and,
 3. An existing building or use is altered or enlarged so as to increase the amount of parking space required;
- 311.2. Parking for Single Family Dwellings - Every single family dwelling shall be required to provide at least two (2) off-street parking spaces. Such spaces must be provided behind the street right-of-way line and may take the form of garages, carports or driveways. Additional regulations pertaining to driveways are contained in Section 309 of this Ordinance. The remaining regulations contained in this section do not apply to off-street parking facilities serving one (1) single- family dwelling;
- 311.3. Site Plan Approval:
1. Each application for a zoning permit (for a use for which parking spaces are required) shall include a drawing (site plan) showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required below; and,
 2. No zoning permit shall be issued for any use for which parking spaces are required unless the site plan has been approved or necessary variances have been obtained;
- 311.4. Surfacing - All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another dust-free surface, approved by the Board of Supervisors;
- 311.5. Separation from Streets and Sidewalks - Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into the streets, yards, or walkways;
- 311.6. Drainage - Parking lots shall be graded to a minimum slope of one percent (1%) to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge storm water in accordance with a plan to be approved by the Township;
- 311.7. Parking Space Sizes - The following lists required minimum standard car space sizes in feet:

- Parallel 23 by 8

- Non-parallel 19 by 9
- Oversized parking spaces shall comply with the following:
 1. Designed with drive-through capability (to avoid backup movements,
 2. Located to allow easy ingress and egress,
 3. Identified by on-site signage, and
 4. Sized according to the following minimums:



311.8.

Design Standards For Handicapped Parking Spaces

1. Size - Parallel -23 x 12 feet / Nonparallel -20 x 12 feet
2. Location - Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways, entrances, and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance;
3. Identification - Parking spaces for the physically handicapped shall be identified by signs, generally located eight (8) feet above grade. The signs shall state that the space is reserved by law for the physically handicapped. Where these signs are placed flush against buildings or structures, or in other locations not accessible to vehicular or pedestrian traffic, the height may be reduced to six (6) feet. Handicapped spaces may also be designated through blue surface painting as an alternative to signage;
4. Curbs
 - A. Where a curb exists between a parking lot and a sidewalk, a horizontally scored ramp or curb cut shall be provided for wheelchair access.
 - B. The curb cut shall not be less than four (4) feet wide and shall have a grade of not more than one (1) foot in twelve (12) feet.
 - C. Curb cuts shall be provided within thirty (30) feet of each accessible entrance to the structure, at all pedestrian walk intersections, and elsewhere to provide reasonable direct circulation within each development.
 - D. The curb cuts shall not be more than one hundred fifty (150) feet apart;
5. Sidewalks
 - A. Exterior sidewalks shall not be obstructed.
 - B. Exterior sidewalks shall have a side slope not greater than one (1) inch in four (4) feet. They shall be at least four (4) feet wide and have a grade of not more than one (1) foot in twenty (20) feet;

6. Storm Drains

- A. Storm drain grates and similar devices shall not be located within the required access for the physically handicapped;

7. Grade

- A. The grade of parking spaces for the physically handicapped shall not be more than one (1) foot in fifty (50) feet;

311.9.

Interior Driveway Widths

1. Driveways between rows of parking spaces shall have a maximum length of two hundred (200) feet and the minimum widths indicated in the following table:

Angle of Parking	Width of Driveway in Feet; One-Way Traffic	Width of Driveway in Feet; Two-Way Traffic
90 Degrees	25	25
60 Degrees	20	22
45 Degrees	18	22
30 Degrees	11	22
Parallel	11	22

2. Interior driveways in areas where there is no parking permitted shall be at least twelve (12) feet wide for each lane of traffic;

311.10.

Marking of Parking Spaces and Interior Drives - All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. As a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four (4) inches in width. White paint for these lines shall conform to Federal Specification TT-P-115C, Type 1, for white non-reflective traffic line paint, or equivalent.

In the event parking lots are not marked as required by this section, the Township may at its option, perform or hire the said marking to be done and recover the same from the owner or tenant of said lot in the manner permitted by law;

311.11.

Not less than a four (4) foot radius of curvature shall be permitted for horizontal curves in parking areas;

311.12.

All dead end parking lots shall be designed to provide sufficient back-up area for all end spaces;

311.13.

Lighting - Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so as not to reflect or glare on land used for residential purposes, or adjoining lots or streets;

311.14.

Access Drive Requirements - Every parking lot shall be connected to a street by means of an access drive. This access drive shall be at least twelve (12) feet wide for each lane, exclusive of curb return and gutters. Section 310 specifies other requirements for access drives;

311.15.

Landscaping and Screening Requirements - The following landscaping and screening requirements shall apply to all parking lots:

1. Landscaped Strip

- A. When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire streetline. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from the street line. The strip may be located within any other landscaped strip required to be located along a street.

The following lists required width of landscape strips:

Number of Spaces in Parking Lot Including Joint Facilities	Landscape Strip Width In Feet Measured From Street R.O.W. Line
Less than 100	10
100 to 250	15
Over 250	20

- B. Unless otherwise indicated, all parking lots constructed in side or rear yards (as defined herein) shall be set back a minimum of ten (10) feet from all property lines. Such setbacks shall be used for landscape strips;

2. Interior Landscaping

- A. In any parking lot containing twenty (20) or more parking spaces (except a parking garage), five percent (5%) of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping may be used, for example, at the end of parking space rows to break up rows of parking spaces at least every ten parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas. Groundcover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five (5) feet above finished-grade level;
- B. Parked vehicles may not overhang interior landscaped areas more than two and one-half (2½) feet. Where necessary, wheel stops or curbing shall be provided to insure no greater overhang;
- C. If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot;

3. Screening

- A. When a parking lot is located on property which adjoins land in a

R, R-1, R-2, MHP or MU Zone, the parking lot shall be screened from the adjoining residential property;

311.16. Speed Bumps

1. Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.
2. The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
3. There shall be a warning sign posted at each entrance to a parking area having bumps.
4. In no case shall the overall height (or depth) of speed bumps exceed two (2) inches;

311.17. Joint Parking Lots

1. In commercial shopping centers over three (3) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty percent (20%). Therefore, the resulting joint parking lot will be required to provide at least eighty (80%) of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be appropriately distributed upon the lot to provide convenient walking distance between vehicle and each of the shopping center's stores;
2. Required parking spaces may be provided in spaces designated to jointly serve two (2) or more establishments or uses, provided that the number of required spaces in such joint facility shall be less than the total required separately for all such establishments or uses. Where it can be conclusively demonstrated that one (1) or more such uses will be generating a demand for parking spaces, primarily during periods when the other use(s) is not in operation, the total number of required parking spaces may be reduced to:
 - A. That required number of spaces that would be needed to serve the use generating the most demand for parking; plus,
 - B. Twenty percent (20%) of that number of required parking spaces needed to serve the use(s) generating the demand for lesser spaces;

311.18. Prohibited Uses of a Parking Lot - Automobile parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following and/or loading purposes:

1. The sale, display, or storage of automobiles or other merchandise,
2. Parking vehicles accessory to the use;
3. Performing services (including services to vehicles); nor,
4. Required off-street parking space shall not be used for loading and unloading purposes except during hours when business operations are suspended;

311.19. Schedule of Required Spaces - The following lists required numbers of automobile and oversized parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use:

COMMERCIAL USES		
Type of Use	Minimum of One Automobile Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Automobile, truck, trailer, bus, and recreational vehicle repair, filling and washing facilities	400 square feet of gross floor and ground area devoted to repair and service facilities in addition to areas normally devoted to automobile storage and one per employee on major shift	10,000 square feet of gross floor and ground area devoted to repair and service facilities.
Automobile, boat, and trailer sales	1,000 square feet of gross indoor and outdoor display areas	10,000 square feet of gross indoor and outdoor display areas
Carpeting, drapery, floor covering, and wall covering sales	500 square feet of gross floor area	10,000 square feet of gross indoor and outdoor display areas
Convenience stores	75 square feet of gross floor area	1000 square feet of gross floor area, or fraction thereof.
Drive-thru and/or fast-food restaurants	Two seats and one per each two employees	30 seats or fraction thereof.
Food markets and grocery stores	150 square feet of gross floor area for public use and one per each employee on two largest shifts	5000 square feet of gross floor area, or fraction thereof.
Funeral homes	100 square feet of gross floor area, one per each employee, and one per each piece mobile equipment, such as hearses and ambulances	Funeral home
Furniture sales	500 square feet gross floor area	10,000 square feet of gross floor area, or fraction thereof.
Hotels, motels	Guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall add to this requirement.)	10 guest sleeping rooms, or fraction thereof.
Mini-warehouses	25 units plus one per 250 square feet of office space, plus two per any resident manager	25 units, or fraction thereof
Nightclubs	Two seats plus one per each employee on site at one time	30 seats of legal occupancy or fraction thereof.
Office buildings	300 square feet of gross floor area	10,000 square feet of gross floor area, or fraction thereof.
Professional offices of veterinarians, physicians, dentists, etc.	Six spaces per each physician or dentist, etc.	10,000 square feet of gross floor area, or fraction thereof.
Retail stores or shops (except those listed above)	200 square feet of gross floor area of display area or sales area and one per each employee on two largest shifts	5000 square feet of gross floor area, or fraction thereof.
Restaurants and taverns	Three seats plus one per each employee on largest shift	30 seats or fraction thereof.
Shopping centers or malls	See Section 447.4. of this Ordinance.	5000 square feet of gross floor area, or fraction thereof.
Other commercial buildings	400 square feet of gross floor area	5000 square feet of gross floor area, or fraction thereof.

INDUSTRIAL USES		
Type of Use	Minimum of One Automobile Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Industrial and heavy manufacturing establishments	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number	10,000 square feet of gross floor area, or fraction thereof.
Warehousing	Employee on the two largest shifts	10,000 square feet of gross floor area, or fraction thereof.

RECREATION USES		
Type of Use	Minimum of One Automobile Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Amusement arcades	80 square feet of gross floor area	30 persons of legal occupancy or fraction thereof.
Athletic fields	Four seats of spectator seating; however, if no spectator seating is provided, an unimproved parking area shall be provided on the site. Such area must provide sufficient numbers of spaces to serve all users of the site, and include a means to control vehicular access so as not to cross neighboring properties.	1/2 field (ie. 2 per field)
Bowling alleys, billiards rooms	1/4 lane/table (i.e., 4 per lane/table) and one per each two employees	100 persons of legal occupancy, or fraction thereof.
Campgrounds	Non-RV campsite, plus one per employee, plus 50% of the spaces normally required for accessory uses	RV campsite, plus 1 per 20 non-RV campsites, or fraction thereof.
Golf courses	1/4 hole (i.e., 4 per hole), plus one per employee, plus 50% of the spaces normally required for accessory uses	9 holes or fraction thereof.
Golf driving ranges	One per tee and one per employee	20 tees or fraction thereof.
Miniature golf courses	1/2 hole (i.e., 2 per hole) and one per employee	18 holes or fraction thereof.
Riding schools or horse stables	Two stalls plus one per every four seats of spectator seating	Four stalls or fraction thereof.
Picnic areas	Per table	20 tables or fraction thereof.
Skating rinks	Four persons of legal occupancy	100 persons of legal occupancy, or fraction thereof.
Swimming pools (other than one accessory to a residential development)	Four persons of legal occupancy	100 persons of legal occupancy, or fraction thereof.
Tennis or racquetball clubs	1/4 court (i.e., 4 per court), plus one per employee plus 50% of the spaces normally required for accessory uses	10 courts or fraction thereof.

RESIDENTIAL USES		
Type of Use	Minimum of One Automobile Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Single-family detached dwellings, two-family conversions, and conversion apartments	1/2 dwelling unit (i.e., two spaces per dwelling unit)	See Section 302 of this Ordinance.
Boarding houses, group homes, and bed and breakfasts	Bedroom	See Section 302 of this Ordinance
Duplex, townhouse and multiple-family, dwellings	1/2 dwelling unit (i.e., two spaces per dwelling unit). Such parking spaces can take the form of private driveways, or garages and/or common parking lots, provided all spaces required are within 150 feet of the unit served.	See Section 302 of this Ordinance

SOCIAL AND INSTITUTIONAL USES		
Type of Use	Minimum of One Automobile Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Auditorium, banquet, conference, and meeting facilities; church, theater, and other such places of public assembly	200 square feet, but not fewer than one space per each three seats	100 persons of legal occupancy, or fraction thereof.
Clubs, lodges and other similar places	200 square feet of gross floor area and one per each employee on two largest shifts	30 persons of legal occupancy, or fraction thereof.
Nursing, rest or retirement homes	Three accommodations (beds) in addition to those needed for doctors and support staff	100 persons of residency, or fraction thereof.
Hospitals, sanitariums	Spaces shall be provided for visitors, at the rate of at least one space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel.	100 accommodations (beds) , or fraction thereof.
Museums, art galleries, cultural centers, libraries	400 square feet of gross floor area	100 persons of legal occupancy, or fraction thereof.
Rehabilitation centers (without overnight accommodations)	One per each employee and per each three people anticipated to be handled through the facility.	30 persons of legal occupancy, or fraction thereof.
Schools below grade ten, including principal day-care and kindergarten	Six students enrolled	60 students enrolled, or fraction thereof.
Schools, tenth grade and above, including colleges	Three students enrolled	40 students, or fraction thereof.
Vocational training and adult education facilities	1.5 students enrolled	60 students enrolled, or fraction thereof.

Section 312 Off-Street Loading Spaces

- 312.1. Off-street loading shall be required in accordance with this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on

streets. These facilities shall be provided whenever:

1. A new use is established;
2. The use of a property or building is changed and thereby requiring more loading space; and,
3. An existing use is enlarged thereby requiring an increase in loading space;

312.2. Site Plan Approval:

1. Each application for a zoning permit (for use for which off-street loading spaces are required) shall include a drawing (site plan) showing the proposed layout of the loading area. The drawing shall clearly indicate the design elements required below; and,
2. No zoning permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved;

312.3. Surfacing - All off-street loading facilities, including access drives, shall be constructed and maintained with a paved surface of concrete or bituminous materials;

312.4. Location - Except as provided elsewhere, a ground-level loading area may be located in any side or rear yard. No exterior portion of an off-street loading facility (including access drives) shall be located within fifty (50) feet of any land within a R, R-1, R-2, MHP or MU Zone. Where possible, off-street loading facilities shall be located on the face of a building not facing any adjoining land within a R, R-1, R-2, MHP or MU Zone;

312.5. Connection to Street - Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide, exclusive of curb returns and gutters. Section 310 specifies other requirements for access drives;

312.6. Separation from Streets, Sidewalks, and Parking Lots - 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;

312.7. Drainage - Off-street loading facilities (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading facilities shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives;

312.8. Required Off-Street Loading Facilities Sizes -The following lists required minimum loading space sizes, in feet (excluding access drives, entrances, and exits):

Facility	Length	Width	Height (if covered or obstructed)
Industrial, Wholesale, Shopping Centers and Storage Uses	63 feet	12 feet	15 feet
All Other Uses	33 feet	12 feet	15 feet

- 312.9. Lighting - Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall be arranged so as not to be directed, reflected or cause glare off of the site;
- 312.10. Landscaping and Screening Requirements - Except in the case of joint off-street loading areas, all off-street loading areas shall comply with those applicable setbacks listed in each Zone. Such setbacks shall be used to provide a landscape strip and all off-street loading facilities shall also be screened from adjoining R, R-1, R-2, MHP or MU Zone properties and/or adjoining public streets; and,
- 312.11. Schedule of Off-Street Loading Spaces Required:

Type of Use	Number Spaces Per	Gross Floor Area
Hospital or other institution	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Hotel, motel and similar lodging facilities	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Industry or manufacturing	None	First 2,000 square feet
	1.0	2,000 to 25,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Multi-family dwelling	None	Less than 100 dwelling units
	1.0	100 to 300 dwelling units
	+1.0	Each additional 200 dwelling units (or fraction)
Office building, including banks	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)

Type of Use	Number Spaces Per	Gross Floor Area
Retail sales and services, per store	None	First 2,000 square feet
	1.0	2,000 to 10,000 square feet
	2.0	10,000 to 40,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Shopping centers (integrated shopping centers, malls and plazas) having at least 75,000 square feet	1.0	25,000 square feet up to 150,000 square feet
	+1.0	Each additional 100,000 square feet
Theater, auditorium, bowling alley, or other recreational establishment	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Undertaking establishment or funeral parlor	None	First 3,000 square feet
	1.0	3,000 to 5,000 square feet
	+1.0	Each additional 10,000 square feet (or fraction)
Wholesale or warehousing (except mini-warehousing)	None	First 1,500 square feet
	1.0	1,500 to 10,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)

Section 313 Screening and Landscaping Requirements

313.1. Yard Groundcover - Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season groundcover approved by the Board of Supervisors (e.g., grass, ivy, vetch, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to complement other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly;

313.2. Landscaping Requirements - Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.

For each seven hundred fifty (750) square feet of required area for landscape strips, one shade/ornamental tree shall be provided. For every three hundred (300) square feet of interior landscaping required (parking lots), one shade tree shall be provided. If deciduous, these trees shall have a clear trunk at least five (5) feet above finished grade; if evergreen, these trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard;

313.3. Screening - The following materials may be used: evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation; and,

313.4. Selection of Plant Materials - Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Section 1204 of the SLDO lists recommended plant materials for use within the Township.

Any tree or shrub which dies within eighteen (18) months of planting shall be replaced. All landscaping and screening treatments shall be properly maintained.

Section 314 Outdoor Signs

314.1. General Intent:

The sign regulations, controls and provisions set forth in this part are made in accordance with an overall plan and program for the provision of public safety, land development, preservation of property values, and the general welfare of the Township of West Pennsboro and are intended to:

1. aid in traffic control and traffic safety;
2. preserve and protect property values;
3. lessen congestion of land and air space;
4. provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow;
5. establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and development;
6. recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways;
7. preserve the wholesome and attractive character of the Township; and,
8. recognize that the general welfare includes a community that shall be beautiful as well as healthy, spacious as well as clean, and well-balanced in its growth and development.

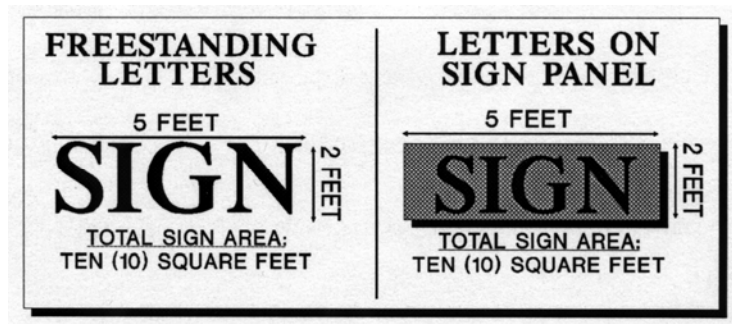
314.2. General Regulations for All Signs:

1. Signs must be constructed of durable material and maintained in good condition;
2. No sign shall be maintained within the Township 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;

3. 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 must be made safe or removed within five (5) days;
4. Advertising 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;
5. Each sign shall be removed when the circumstances leading to its erection no longer apply;
6. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties, public rights-of-way or in an upward direction;
7. Directly illuminated signs, designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign, including, but not limited to neon, will be permitted providing that the light being emitted from the sign shall not cause a glare or emit light onto the surrounding area or in an upward direction;
8. Except for signs that display the time and temperature, no sign shall be of the intermittent flashing or rotating type, unless located within the (I) Zone;
9. No sign shall be located so as to interfere with visibility for motorists at street or driveway intersections;
10. No sign located within one hundred fifty feet (150') of any traffic light shall be illuminated with red, green, or yellow lights or neon tubing;
11. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters;
12. Signs must be positioned so that they do not interfere with any clear sight triangle;
13. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner, including, but not limited to:
 - A. Any graphic illustration pertaining to specified sexual activities and/or specified anatomical areas; and,
 - B. 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;
14. No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape;
15. 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;

16. No sign shall be permitted which is permanently attached to public utility poles nor trees which are within the right-of-way of any street;
17. No sign located within the Floodplain Overlay Zone shall exceed six (6) square feet of area per side;
18. In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be construed 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;
19. Except in the case of billboards, only those signs referring directly to services, materials or products made, sold, or displayed on the premises shall be permitted;
20. No point of any sign, including trim, border and supports, shall be located within ten feet (10') of any side or rear property line or within the street right-of-way line;
21. Any sign attached to a building shall not be placed on the roof or be higher than the wall to which it is attached;
22. No point of a wall projecting sign shall be located less than eight and one-half feet (8½') above the grade directly below the sign;
23. 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; and,
24. Determination of Size of Sign Area - 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.



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 more than three feet (3') from one another, the area of only the larger face shall be included; and,

25. Signs incorporating electronic message displays shall not be permitted except within the (C and I) Zones and not within five hundred (500) feet of a signalized traffic intersection, a residential use or any (R-1, R-2, MHP or MU) Zone and shall comply with the following requirements:
 - A. Such signs shall employ sufficient size lettering and/or symbols for immediate recognition by motorists;
 - B. Such signs shall display simple and static messages for immediate recognition by motorists. Messages shall be complete in each display cycle and shall not require viewers to see multiple display cycles to derive its meaning;
 - C. Such signs shall use instantaneous transitions from one message display cycle to the next with no blank-outs, scrolling, fading, streaming, zooming, flashing or any other animated effect; and,
 - D. Each message display cycle shall comply with the following minimum time standards based upon the lowest speed limit of the road travel lane from which the sign is visible:

Required Minimum Message Display Cycles (seconds)			
Speed Limit (miles per hour)	Total sign area with up to 64 square feet	Total sign area with between 64 and 300 square feet	Total sign area with more than 300 square feet
25 mph	17 sec.	28 sec.	56 sec.
30 mph	14 sec.	24 sec.	48 sec.
35 mph	12 sec.	20 sec.	40 sec.
40 mph	11 sec.	18 sec.	36 sec.
45 mph	10 sec.	16 sec.	32 sec.
50 mph	9 sec.	14 sec.	28 sec.
55+ mph	8 sec.	12 sec.	24 sec.

- 314.3. Specific Sign Requirements - The tables on the following six pages tabulate requirements imposed upon permanent, temporary, and planned center signs as permitted within the Township:

PERMANENT SIGN REQUIREMENTS									
Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection from Wall for Wall Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Signs owned and associated with uses operated by the Township. Official traffic signs.	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	All		No
Signs identifying public and semi-public uses (e.g., schools, churches, utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses).	2 per principal use	64 square feet	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	All	See footnote 1 below.	Yes
Residential nameplates identifying name of home, its occupant, or both, not including name listing on mailbox.	1 per dwelling unit	2 square feet	5 feet	10 feet	Not Permitted	Not Permitted	All		No
Property control signs (e.g., "No Trespassing," "Private Property," "No Hunting or Fishing," "Posted," "Private Drive," or similar type signs).	1 per 25 lineal feet of property line	2 square feet per sign	5 feet	Not Permitted	Not Permitted	Not Permitted	All	Spacing at no less than 25 foot intervals.	No
Residential development/neighborhood signs. Such signs shall only list the name of the neighborhood/development and shall not list any names of contractors, realtors, or both.	1 per street entrance, but no more than 2 total	1 square foot per dwelling, not to exceed 32 square feet per sign	15 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	A, R, R-1, R-2, MU, and MHP	The applicant shall submit a written description of the maintenance responsibilities in a form satisfactory to the Township Solicitor.	Yes
Individual business signs identifying the name and type of business, any trademark of the business conducted on the premises, or any combination thereof. This does not include businesses contained within planned centers, as defined herein.	1 per principal use	25 square feet, plus 2 square feet per 5 lineal feet of lot frontage, not to exceed 64 square feet per sign.	15 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	20 feet, but not closer than 10 feet from any lot line.	A, R, MU, C, I, and Q	No flat wall sign, nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached.	Yes
On-site directional, entrance, exit, rest room, and other informational signs.	4 per building	2 square feet per sign	5 feet	10 feet	Height of wall to which sign is attached.	2 feet	All		No
Billboards	See Section 409 of this Ordinance.								Yes
*In addition, two (2) off-premise signs shall be permitted per use. Such signs shall not exceed six (6) square feet per side. If more than one organization collectively erects one sign, each organization shall be permitted a maximum of six (6) square feet of sign area; however, no such sign shall exceed a total sign area of twenty-four (24) square feet. Each use of a collective sign shall constitute one (1) of the organization's two (2) permitted off-premise signs. Off-premise signs may only be located upon private property with the written permission of the landowner, a copy of which must be submitted to the Zoning Officer upon application for a zoning permit. No off-premise sign shall be located within the street right-of-way. Off-premise signs must be designed and located so as not to interfere with the clear sight triangle of any driveway, access drive or street. No more than two (2) off-premise signs shall be located within two hundred (200) feet of any street intersection.									

TEMPORARY SIGN REQUIREMENTS

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection from Wall for Wall Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Temporary signs of contractors, architects, mechanics, landscapers, and artisans , displayed only while actual on-site work is in progress.	1 per firm whose work is in progress	6 square feet	5 feet	Not Permitted	Not Permitted	Not Permitted	All	Should a sign be left on-site beyond allowable time period, the Township may impound it and recover a fee from owner equal to cost of impoundment and storage.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing less than 3 acres.	1 per street frontage, maximum of 2 signs	6 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to Township impoundment and a recovery fee.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing more than 3 acres.	1 per street frontage, maximum of 2 signs	32 square feet per sign	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	Same as above.	Yes
Proposed development signs for residential, office, or both, complexes.	1 per street frontage, maximum of 2 signs	1 square foot per unit of occupancy, not to exceed 32 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All, but only after final plan is approved.	Such signs shall be removed upon completion of construction of final unit.	Yes
Proposed development signs for commercial uses, industrial uses, other non-residential, uses, or any combination thereof.	1 per street frontage, maximum of 2 signs	1 square foot per 1,000 square feet of gross leasable floor area, not to exceed 64 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	MU, C, I and Q, but only after final plan approval.	All such signs shall be removed upon completion of building construction.	Yes
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.).	1 per business per event	32 square feet if freestanding; 48 square feet if attached to wall	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	MU, C and I	Such signs may only be used during two consecutive periods per calendar year, not exceeding 30 days total.	Yes
Roadside stand signs for the sale of agricultural products upon a principal farm property.	1 per farm	5 square feet	5 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	5 feet	All	Roadside stand signs shall only be displayed during seasons when products are for sale.	No
Garage/yard sale signs upon properties conducting such sales.	2	4 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	See Section 301.6. for additional requirements.	No
Political signs.	Unlimited	12 square feet	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	Such signs may only be displayed between 30 days prior to and 5 days after an election.	No

314.4. Amortization of Nonconforming Signs:

Any sign (excluding billboards) that was legally existing as of the effective date of this Ordinance, that does not comply with the provisions listed in Section 314 of this Ordinance, shall be considered a nonconforming sign.

All such nonconforming signs will be required to conform at such time as seventy-five percent (75%) or greater of the sign area is changed in any way, including, but not limited to, wording, logo, design, lighting and/or material composition. Nonconforming signs approved by variance will also be subject to this section.

This section shall precede any requirement listed in Article 5 of this Ordinance;

314.5. Prohibited Signs - The following types of signs shall not be permitted in the Township:

1. Signs of such a design and location that they interfere with, compete for attention with, or may be mistaken for a traffic signal. This shall include any sign visible from the public right-of-way which uses an arrow device or the word "stop." It shall also include signs in which the colors red and green are used either in direct illumination or in high reflection by the use of special preparation, such as fluorescent paint or glass;
2. Any sign located in or extending into a public right-of-way, except those owned or operated by a duly constituted government; and,
3. Any freestanding or projecting sign within an area bounded by the intersection of two (2) rights-of-way and twenty feet (20') from such intersection along the rights-of-way, except permanent, on-site directional signs less than three feet (3') in height as permitted by Section 314.3. of this Ordinance.

314.6. Sign Permits - For signs requiring permits in Section 314.3., the following requirements shall apply prior to the erection of said signs:

1. Permit Applications:
 - A. Application for a permit shall be made at the Township Office;
 - B. Application shall be made on a form to be provided by the Township and shall contain the following information and documentation:
 - a. The name(s) and address(es) of the sign owner and the landowner;
 - b. An affidavit of title executed by the landowner(s) indicating the date and place of recording of the present title to the land;
 - c. A drawing to scale, showing the location of the sign with reference to the adjoining property lines and streets;
 - d. A drawing to scale, showing all dimensions of the sign. For a directional sign or an on-premise sign advertising activities being conducted on the property, the drawing shall also contain an accurate representation of the advertising or informative contents of the sign; and,
 - e. A description of the construction materials of the sign and its manner of installation;
 - C. Each application shall be accompanied by the appropriate fee, as established by the Board of Supervisors;

2. All applications shall be reviewed, and permits issued, by the Zoning Officer. No sign permit shall be issued, except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance;
3. Permit Issuance - Following permit application approval, a sign permit will be issued by the Zoning Officer upon receipt of all required fees;
4. If there is any change in location or dimensions of any sign, or in advertising or informative contents of a sign, a new permit shall be required; and,
5. Revocation of Permits:
 - A. All permits shall be subject to revocation upon fifteen (15) days written notice for violation of any provision or upon change of information provided in the application; and,
 - B. Revocation of a permit shall not be cause for refund of the permit fee.

Section 315 Roadway Classifications

For the purposes of this Ordinance, the Township's roads shall be classified in the following categories:

Arterial Roads	Collector	Local Roads
PA Turnpike (I-76) PA 641 (0641) PA 233 (0233) US Route 11 (0011)	McAllister Church Road (T-482) Mt. Rock Road (T-325) Greason Road (T-451) Bloserville Road (4021)	All roads not listed as arterials or collectors.

Section 316 Zoning Requirements for Use of On-Lot Sewage Disposal Systems

- 316.1. Except for those nonconforming lots described in Section 507.1. of this Ordinance, as of the effective date of this Ordinance, all future uses that rely upon on-lot sewage disposal systems that are located within the Agricultural and/or Rural Residential Zones shall be required to specifically test for and secure one disposal site (field, bed, or trench) and replacement area. Both disposal sites shall be approved by the Sewage Enforcement Officer. Furthermore, the alternate disposal site shall be perpetually protected from excavation, construction, and other activities that would result in disturbance of the soils' ability to renovate sewage effluent, until such time as the alternate field is activated due to malfunction of the initial disposal site;
- 316.2. Regardless of any maximum lot area requirements listed elsewhere in this Ordinance, the minimum required lot size may be increased to insure an acceptable level of nitrate-nitrogen in the adjoining groundwaters. Such determinations will be made by the PA DEP, through its sewer module review process. In those cases where applicable maximum lot area requirements are exceeded to protect groundwater quality, the applicant shall furnish evidence that the amount of land needed to protect local groundwater is the minimum necessary for such protection. As an alternative to increasing required lot size, an applicant can record a sewage plume easement on adjoining property in language acceptable to the

Township solicitor;

- 316.3 Every use relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems, in accordance with the West Pennsboro Township On-Lot Disposal System Management Program.; and,
- 316.4. Every use relying upon an on-lot sewage disposal system shall be required to comply with the Pennsylvania Sewage Facilities Act 537, as may be amended.

Section 317 Permanent/Temporary Occupancy Requirements

No persons or family shall be permitted to permanently reside within any tent, travel trailer, bus, boat, camper, or motor home. However, temporary occupancy of a tent, travel trailer, camper, or motor home shall be permitted within an approved campground or for periods of up to fifteen (15) days in any calendar year on the property of a friend or relative.

Section 318 Operations and Performance Standards

All uses proposed within West Pennsboro Township shall operate in compliance with applicable State and Federal regulations, as they are periodically amended. The following lists known governmental regulations associated with various land use impacts or specific requirements imposed by this Ordinance. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township, but is merely provided for information to applicants and landowners.

- 318.1. Noise - Except for agricultural, horticultural and forestry uses, no use shall as a matter of normal operations regularly generate exterior noise levels in excess of those listed in the following table:

Measurement Taken Along An Adjoining Property Within the Following Districts	Time Period	Maximum Permitted Noise Level
A, R, R-1, R-2, MHP, and MU	7 a.m. to 10 p.m.	50 dBA
A, R, R-1, R-2, MHP, and MU	10 p.m. to 7 a.m.	45 dBA
C, I, and Q	7 a.m. to 10 p.m.	70 dBA
C, I and Q	10 p.m. to 7 a.m.	55 dBA

Should the ambient noise level at any location exceed the above standards, that ambient noise level shall become the maximum permitted noise level at that location. The maximum permitted noise level shall be applied to regularly-occurring uses and activities; short-term temporary noises and infrequent instantaneous noises may be permitted at noise levels 20 dBA higher than the above-described standards, but only between 7 a.m. and 10 p.m.;

- 318.2. Glare and Light:

1. All on-site lighting shall be provided within the following ranges for periods when the use is in operation and shall be, except as noted in Section 318.2.2., otherwise extinguished between the hours of 10 p.m. and 6 a.m.:

On-Site Area	Range of Required Illumination
Roadside sidewalks and bikeways (without stairways and/or tunnels)	0.2 to 0.9 footcandles
Freestanding sidewalks, paths and bikeways (without stairways and/or tunnels)	0.5 to 0.8 footcandles
Sidewalk, path and bikeway stairways and/or tunnels	20 to 50 footcandles
Playgrounds, parks and athletic courts/fields where on-site lighting is required	5.0 to 30 footcandles
Off-street loading areas	2.0 to 20 footcandles
Off-street parking areas	0.5 to 2.0 footcandles
Building facades, monuments, fountains, signs, architectural features, and similar objects	0 to 15 foot candles
Building entries for public, quasi-public, commercial, and industrial uses	1.0 to 5.0 footcandles

2. In all Zones, exterior lighting of a building and/or grounds for security surveillance purposes is permitted. Such lighting shall be arranged, and of sufficient illumination, to enable the detection of suspicious movement, rather than the recognition of definitive detail. For security lighting of grounds and parking lots, the level of illumination shall not exceed one (1) footcandle. Security lighting for buildings/structures shall be directed toward the face of the building/structure, rather than the area around it, and shall not exceed five (5) footcandles; and,
3. In all zoning districts, all exterior lighting provided in conjunction with any nonresidential or nonfarm use shall be hooded and/or screened so as not to permit the source of illumination nor lenses to be seen from off of the premises;

- 318.3. Air Pollution, Airborne Emissions and Odor: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection and air quality standards promulgated by the United States Environmental Protection Agency;
- 318.4. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691.1, as amended;
- 318.5. Workplace Safety: The General Safety Law, No. 174, P.L. 654 and Regulations of the Pennsylvania Department of Labor and Industry; and,
- 318.6. Handicap Access: The latest version of the Americans With Disabilities Act.

Section 319 Common Open Space Requirements

In those instances where common open space is required elsewhere in this Ordinance, or when an applicant proposes the use of common open space, such common open space shall comply with the following:

- 319.1. 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:
 1. Protection of important natural resources (e.g., streams, ponds, wetlands,

steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.);

2. Protection of important historical and/or archaeological sites;
3. Provision of usable play and recreation areas that are conveniently accessible to residents within the development and the Township; and,
4. Integration of greenbelts throughout the development that link residences with on-site or adjoining parks, schools, or other similar features;

319.2. An essential element of the use of common open space is a written description and plan for the disposition of 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 permanent preservation of common open space shall be accomplished through one of the following:

1. An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space;
2. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township 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 and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township; and,
3. 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, 68 Pa. C.S. § 3101 et seq. 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 Township Solicitor:
 - A. Such organization shall not dispose of the common open space by sale or otherwise, except to the Township, unless the Township 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;
 - B. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities;
 - C. The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space, and,
 - D. The common open space shall be restricted in perpetuity from development and subdivision through suitable legal instruments

approved by the Township solicitor.

4. The landowner/developer may opt to retain ownership of the proposed open space subject to any and/or all of the following as may apply:
 - A. In cases where the proposed open space is to be devoted to agricultural use, the landowner/developer shall be required to provide suitable permanent agricultural preservation easements (prohibiting concentrated animal feeding operations and concentrated animal operations, both as defined herein) that are recorded in a form acceptable to the Township Solicitor;
 - B. In cases where the proposed open space is to be devoted to the conservation of important and/or sensitive natural or cultural features, the landowner/developer shall be required to provide suitable permanent conservation preservation easements that are recorded in a form acceptable to the Township Solicitor; and,
 - C. In cases where the proposed open space is to be devoted to public parkland use, the landowner/developer shall be required to provide suitable permanent publicly-accessible parkland easements that are recorded in a form acceptable to the Township Solicitor.

Section 320 Required Traffic Impact Reports

- 320.1. Where a traffic impact study is required by this Ordinance or the SLDO, such study shall comply with the following:
- 320.2. The traffic impact study shall be prepared in accordance with Section 713 of the SLDO as may be amended;
- 320.3. Deviations from the requirements of Section 713 of the SLDO that are proposed during the subdivision / land development process shall be permitted as a waiver under the terms of the SLDO; and,
- 320.4. Deviations from the requirements of Section 713 of the SLDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 604.4. of this Zoning Ordinance.

Section 321 Required Nutrient Management Plans

All agricultural animal operations with more than two thousand (2,000) pounds live weight of livestock or poultry per acre shall comply with the Pennsylvania “Nutrient Management Act” of 1993, as may be amended.

Section 322 Materials and Waste Handling Requirements

- 322.1. All commercial, industrial, institutional, and health-care related uses shall be required to provide detailed information regarding materials and waste handling, including written evidence of the materials and wastes that are regulated by the following acts, and that stored, treated, processed, transferred, and disposed of materials, shall be accomplished in a manner that complies with all applicable Federal, State, County, and municipal requirements, including, but not limited to, the following:

- A. the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101);
- B. the Pennsylvania Solid Waste Management act (Act 97);
- C. the Federal Emergency Management Act;
- D. the Federal Superfund Amendment and Reauthorization Act;
- E. the Pennsylvania Hazardous Materials Emergency Planning and Response Act;
- F. the Pennsylvania Low-Level Radioactive Waste Disposal Act; and,
- G. Federal Insecticide, Rodenticide and Fungicide Act.

Section 323 Forestry Uses

323.1. In accordance with State law, forestry uses (as defined herein) are permitted by right in every zone, subject to the following standards:

323.2. Logging Plan Requirements - Every landowner on whose land timber harvesting, as defined herein, is to occur shall obtain a zoning permit, as required by this Ordinance. In addition to the zoning permit requirements listed in Section 701 of this Ordinance, the applicant shall prepare and submit a written logging plan in the form specified below. No timber harvesting shall occur until a zoning permit has been issued. The provisions of the permit shall be followed throughout the operation. The logging plan shall be available at the harvest site at all times during the operation, and shall be provided to the Zoning Officer upon request. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan and the zoning permit.

1. Minimum Requirements - At a minimum, the logging plan shall include the following:
 - A. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
 - B. Design, construction and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips and water bars;
 - C. Design, construction and maintenance of stream and wetland crossings; and,
 - D. The general location of the proposed operation in relation to Township and State highways, including any accesses to those highways.
2. Map - Each logging plan shall include a sketch map or drawing containing the following information:
 - A. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place, and the boundaries of the proposed harvest area within that property;
 - B. Significant topographic features related to potential environmental problems;
 - C. Location of all earth disturbance activities, such as roads, landings and water control measures and structures;
 - D. Location of all crossings of waters of the Commonwealth; and,

- E. The general location of the proposed operation to municipal and State highways, including any accesses to those highways.
 - 3. Compliance With State Law - The logging plan shall address and comply with the requirements of all applicable State regulations, including, but not limited to, the following:
 - A. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1. et seq.); and,
 - B. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1 et seq.);
 - 4. Relationship of State Laws, Regulations and Permits to the Logging Plan - Any permits required by State laws and regulations shall be attached to, and become part of, the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in Sections 324.2.1. and 324.2.2., provided that all information required by these sections is included or attached;
- 323.3. Required Forest Practices - The following requirements shall apply to all timber harvesting operations:
- 1. Felling or skidding on, or across, any public road is prohibited without the express written consent of the Township, or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare;
 - 2. No tree tops or slash shall be left within twenty-five (25) feet of any public road, or private roadway providing access to adjoining residential property;
 - 3. All tree tops and slash between twenty-five feet (25') and fifty feet (50') from a public roadway, or private roadway providing access to adjoining residential property, or within fifty feet (50') of adjoining residential property, shall be lopped to a maximum height of four (4) feet above the ground;
 - 4. No tree tops or slash shall be left on, or across, the boundary of any property adjoining the operation without the consent of the owner thereof; and,
 - 5. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the forestry operator;
- 323.4. Responsibility for Road Maintenance and Repair; Road Bonding - Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the forestry operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such potential damages, as calculated by the Township Engineer.
- 323.5. Emergency Tree Cutting - At any time, a landowner may cut-down any tree that, because of its condition, location or any other factor, poses an immediate threat to the public health and safety. Examples of appropriate emergency tree cutting

include, but are not limited to:

1. Partially uprooted trees that are likely to topple onto nearby structures, properties, roads and/or sidewalks;
2. Damaged trees with split trunks due to lightning strike or wind or ice loads;
3. Trees that block emergency vehicle access during times of natural disaster, civil defense or rescue;
4. Trees that have been partially damaged or fallen that threaten to cause an immediate rise in floodwaters;
5. Trees that have been certified by a qualified forester to be afflicted with a contagious disease, blight or infection or damage from natural causes, from which the tree is unlikely to recover;
6. Trees that have been certified by a qualified forester to be dead; and,
7. Trees that have been identified as an invasive species by the PA DCNR.

Section 324 Litter

- 324.1. No property shall be developed, used or maintained in a state that creates litter either on the property or upon any adjoining properties and/or roads;
- 324.2. Any property containing litter on the effective date of this Ordinance shall be considered nonconforming. Such litter may continue for a period not to exceed ten (10) days from the effective date of this Ordinance. After the ten (10) day period, such litter shall be removed by the owner; and,
- 324.3. Should any property or use be conducted or maintained in a condition that causes repeated litter complaints or violations, the owner shall be required, upon the instruction of the Zoning Officer, to prepare and implement a working plan for the clean-up of such litter as a condition of zoning compliance.

Section 325 Commercial Outdoor Storage and Display Requirements

- 325.1. Shopping Cart Storage - For grocery stores, or other stores that offer the use of shopping carts for patrons, the outdoor storage and collection of shopping carts is permitted under the following conditions:
 1. Shopping carts may be collected and stored immediately in front of the storefront (upon sidewalks, or under a canopy) and/or within the parking lot;
 2. In no case shall such designed shopping cart storage and collection areas be located upon any facilities used for vehicle circulation, parking, and loading, nor emergency vehicle access (e.g., fire lanes);
 3. Such shopping cart storage and collection areas shall be situated so as to provide clear pedestrian access (sidewalk or other area) at least eight feet (8') wide adjoining the storefront;
 4. Signage for such shopping cart storage and collection areas shall be

governed by those regulations pertaining to on-site informational signs, as regulated by Section 314 of this Article; and,

5. The applicant shall submit a working plan for the collection of shopping carts from the parking lot. Also, the applicant shall be required to depict intended shopping cart storage and collection areas upon any permits and/or plans required by the Township. No additional permits shall be required, unless such areas change location or size;

325.2. Seasonal Sidewalk Displays:

1. Only seasonal merchandise (excluding fireworks of all classes) may be displayed, and shall be limited to the calendar periods between April 1 and October 1, and November 25 and January 5, of each year;
2. The location of such outdoor displays shall be limited to sidewalks, under canopies, or other areas immediately in front of the building's storefront. 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 adjoining the storefront;
3. In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, parking, and loading, nor emergency vehicle access (e.g., fire lanes);
4. In no case shall such sidewalk display area exceed seventy-five percent (75%) of the lineal storefront dimension. *(For example, a 200-foot long storefront could display no more than 150 lineal feet of a sidewalk display);*
5. No signage, except as authorized by Section 314 of the Article, shall be permitted; and,
6. The applicant shall submit a working plan to the Township for the cleanup of litter and debris which may result from such outdoor display. Also, the applicant shall depict intended sidewalk display areas upon any permits and/or plans required by the Township. No additional permits shall be required, unless such area is to change location or size;

325.3. Special Event Sales:

1. In addition to the above, two special event sales shall be permitted per calendar year. Such special event sales shall be limited to no more than a total of thirty (30) days per calendar year;
2. Special event sales displays shall be located no closer than forty-five feet (45') from an adjoining road, nor ten feet (10') from any side or rear lot lines;
3. Special event sales may be located within the parking lot, provided that such location minimizes congestion within the parking lot, and those access drives that provide direct vehicular access to adjoining roads. Within parking lots, such display areas shall be specifically delineated from the adjoining parking lot by the use of identifiable barriers (e.g., tents, canopies, temporary fences, or ropes). Additionally, location within the parking lot shall only be permitted upon parking spaces in excess of the number required by Section 311.19. of this Article;
4. Special event sales shall only be operated between the hours of dawn to

9:00 p.m.;

5. The area devoted to special event sales displays shall not exceed twenty percent (20%) of the gross floor area of the uses(s) conducting the special event sale;
6. All uses conducting a special event sale shall be responsible for the ongoing cleanup of litter and debris. Also, no exterior public address, nor lighting systems shall be used which produce impacts beyond the subject property; and,
7. Signage for special event sales shall comply with the applicable requirements contained within Section 314 of this Article.

Article 4

Specific Criteria

Section 400 **Specific Standards for Special Exception and Conditional Uses**

In addition to the general criteria listed in Sections 604.3. and 705, 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 application 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. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for each special exception or conditional use specify different standards; in such cases, the specific special exception or conditional use standards shall apply.

For the purposes of this Article 4, any required setbacks imposed upon special exceptions or conditional uses shall be measured from the boundary line of the site for which the special exception or conditional use is requested, regardless of whether or not this line corresponds to a property line or a lease line.

Section 401 **Adult Uses**

- 401.1. Within the (I) Zone, adult uses are permitted by conditional use, subject to the following criteria:
- 401.2. An adult use shall not be permitted to be located within one thousand feet (1,000') of any other adult-related use;
- 401.3. No adult use shall be located within one thousand feet (1000') of any land within the (R, R-1, R-2, MHP and MU) Zones;
- 401.4. No adult use shall be located within one thousand feet (1000') 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; or
 - 10. Other lands where minors congregate.
- 401.5. The distance between any two adult uses 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 adult-related use 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 adult-related use to the closest point on the property line of said land use;

- 401.6. No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure;
- 401.7. Any building or structure used and occupied as an adult use shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure;
- 401.8. 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;
- 401.9. Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen (17) years are not permitted to enter therein and warning all other persons that they may be offended upon entry;
- 401.10. No adult use may change to another adult use, except upon approval of an additional conditional use;
- 401.11. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;
- 401.12. No unlawful sexual activity or conduct shall be permitted; and,
- 401.13. No more than one adult use may be located within one building or industrial park.

Section 402 Airports/Heliports

- 402.1. Within the (A) Zone, airports/heliports are permitted by conditional use, subject to the following criteria:
- 402.2. Minimum Lot Area - Thirty (30) acres for airports and five (5) acres for heliports;
- 402.3. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
- 402.4. 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 application;
- 402.5. The applicant shall furnish evidence of the techniques that will be used to employ “fly-neighborly” guidelines to avoid adverse audio-visual impacts to nearby residents and livestock; and,
- 402.6. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred feet (300') from any property line.

Section 403 Amusement Arcades

- 403.1. Within the (C) Zones, amusement arcades are permitted by special exception, subject to the following criteria:
- 403.2. All activities shall take place within a completely-enclosed building;

- 403.3. The applicant must 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;
- 403.4. A minimum of one parking space for each eighty (80) square 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 Section 311.19. of this Ordinance; and,
- 403.5. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

Section 404 Amusement / Theme / Zoo Parks, Automobile Race Courses, and Horse Racing Facilities With Related Wagering

- 404.1. Within the (C) Zone, amusement / theme / zoo parks, automobile race courses and horse racing facilities with related wagering are each permitted by conditional use subject to the following requirements.
- 404.2. Purpose - This Section provides for a two-stage review process for large-scale amusement uses that is consistent with the Pennsylvania Municipalities Planning Code by encouraging innovation and promoting flexibility, economy and ingenuity in the development process. Specifically, applications submitted under this section will be required to obtain a conditional use approval of a Master Concept Plan that will require detailed explanation of the proposed use's design, operation and impacts. Then once the Master Concept Plan is approved, subsequent revisions or adjustments that were contemplated under the approved Master Concept Plan will be regulated as permitted uses. Subsequent alterations that were not contemplated by the previously approved Master Concept Plan will require another conditional use approval.
- 404.3. Design and Operational Objectives – Applications submitted pursuant to this section are required to demonstrate to the satisfaction of the Board of Supervisors that:
 - 1. The proposed uses are coordinated to function as a single site;
 - 2. The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impact;
 - 3. The proposed use has access to adequate utilities and public services to ensure the public welfare upon the site and will not overburden such utilities and services to the detriment of the rest of the Township;
 - 4. The proposed use is designed, where practicable, to properly integrate and protect important natural features contained upon the site both during and after construction and during subsequent operation of the use;
 - 5. The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties; and,

The applicant has a management structure and capacity that can ensure that these preceding objectives will be continuously satisfied.
- 404.4. Stage 1- Concept Master Plan - Prior to, or coincidental with, the approval of a land development for any of the above-described uses regulated in this section, the

applicant shall submit a Concept Master Plan for conditional use approval by the Board of Supervisors in accordance with Section 705 of this Ordinance. The requirements of this Section 404 shall be used as the specific criteria for evaluating the conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:

1. The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use;
2. The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas along with a disturbance envelope within which all development activities will be confined;
3. A listing of the relevant design standards applied to the use as required by the Zoning Ordinance and a determination of the proposed use's compliance with such standards. Should the Board of Supervisors attach a condition of approval, pursuant to Section 705.3. of this Ordinance that imposes a different standard than that of the Zoning Ordinance, such conditioned standard shall be listed along with the use's determination of compliance;
4. The circulation network contained upon the land to be included within the proposed use including roads, sidewalks, off-street parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections and any traffic improvements proposed to accommodate the proposed use;
5. The name, location, centerline and present right-of-way width of all abutting streets;
6. Important natural features of the site including:
 - A. Slopes exceeding fifteen percent (15%).
 - B. Areas within the Floodplain Overlay Zone as regulated by Section 230 of this Ordinance;
 - C. Wetlands and wetland margins, as defined herein;
 - D. Ponds, streams, drainageways and waterways;
 - E. Streamside buffers as regulated by Section 231 of this Ordinance;
 - F. sinkholes, caves, vistas, or other significant geologic features and,
 - G. endangered or threatened species habitats;
7. Any regional facilities that are proposed and will serve more than one lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities;
8. Qualified expert testimony and impact reports that demonstrate compliance with each of the following requirements and provide for an upset limit of impact regarding each requirement (e.g. maximum traffic volume, maximum sound pressure, maximum structure height, maximum glare, and etc:)

- A. A traffic impact report as required by Section 320 of this Ordinance;
- B. Access management so as not to cause traffic backup onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the on-site stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting;
- C. Noise as regulated by Section 318.1. of this Ordinance;
- D. Glare and light as regulated by Section 318.2. of this Ordinance;
- E. Methods of water supply and sanitary sewage disposal in accordance with applicable state regulations. If public water and/or sewer is to be used, documentation by the respective agency of the adequacy of such system to serve the proposed use;
- F. Methods of policing and security to include a written statement from the ranking officer from the PA State Police that adequate police protection is available to serve the proposed use. Also the applicant is required to provide expert evidence regarding security measures that will be used on the site to ensure adequate public safety during and after conduct of the proposed use;
- G. Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use;
- H. Capacity of off-street parking lots and off-street loading areas in relation to the schedules of required spaces listed in Sections 311 and 312, respectively, of this Ordinance. In addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site;
- I. The handling and disposal of materials and wastes as required by Section 322 of this Ordinance;
- J. Methods used to contain, collect and dispose of litter on the site. This shall include a written description of a working plan for litter clean-up;
- K. For uses involving the keeping of animals, a written plan that describes the methods used to: (1) contain and prevent their escape; (2) dispose of deceased animals in compliance with applicable State laws; and, (3) handle, and dispose of animal wastes in a manner that is compatible with surrounding uses both on and off of the site.
- L. Maximum permitted height for uses regulated by this Section can exceed thirty-five (35) feet provided:
 - 1. That the proposed structure is setback a horizontal distance at least equal to its height from each property line;
 - 2. The applicant must demonstrate that adequate local rescue and fire-

fighting capacity exists to ensure the safety of those who might be located above thirty-five (35) feet by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures;

3. The applicant must submit that the proposed structure does not violate Federal Aviation Regulations No. 77;
 4. For new buildings and building expansions, the applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999 as may be amended;
 5. If applicable, the applicant must demonstrate compliance with the American Society of Testing Materials (ASTM) F770-88 Standard Practice for Operation Procedures for Amusement Rides and Devices;
 6. An integrated telephone system that has a two-hour fire rating shall be provided on all floors;
 7. If proposed, standpipe and sprinkler connection fixtures shall be located so as to be readily accessible to firefighting personnel and hose pre-connects for full access to each floor shall be provided;
 8. For new buildings and building expansions, knox boxes shall be provided where any automatic fire alarm, detection or suppression systems are used;
 9. For new buildings and building expansions, forcible entry tools including a pick head axe, Halligan, K-tool and Rabbit tool shall be provided on each floor; and,
 10. If applicable, the applicant must demonstrate that the rescue of patrons on each amusement ride can occur in a safe and expedient manner during times of emergency.
- M. Scaled graphic representations of those signs used to attract the public onto the site in accordance with Section 314 of this Ordinance; and,
- N. No outdoor storage of unlicensed vehicles, vehicle parts, lubricants and fuels, or other materials or equipment used in the service of motor vehicles shall be permitted. The demolition or junking of vehicles is prohibited.

404.5. Modifications of Standards – As part of the Master Concept Plan conditional use review, the Board of Supervisors may permit the modification of the standards applied to the proposed use in order to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:

1. Such modifications of standards better serve the design and operational objectives listed in Section 404.3. of this Ordinance;
2. Such modifications of standards would not result in adverse impact to adjoining properties, nor future potential inhabitants within the vicinity;
3. Such modifications will not result in an increase in permitted lot coverage for the site; and,

4. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this Section 404 of the Zoning Ordinance.

404.6. Stage 2 Site Development Plan – Upon approval of a conditional use for the Concept Master Plan, the applicant must apply for a zoning permit before constructing the proposed use pursuant to Section 701 of this Ordinance. As part of the granting of a zoning permit for uses proposed and contained in the Concept Plan, the Zoning Officer shall review an application submitted by the applicant. Such application shall include but not be limited to the following:

1. Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance plus any conditions of approval imposed upon the use; and,
2. A scaled site plan that demonstrates the proposed uses' compliance with the approved Master Concept Plan, plus any conditions of approval attached to the grant of the Master Concept Plan.

The Zoning Officer may require additional review by other Township staff or Township-appointed consultants. Such zoning permit shall be approved and issued provided that:

1. the proposed uses are consistent with those contemplated in the Master Concept Plan;
2. the area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan;
3. the application complies with the applicable design standards and regulations of this and other Township ordinances plus and conditions of approval attached to the grant of the Master Concept Plan; and,
4. the impact of the proposed uses are consistent with that upset limit of impact authorized in the Master Concept Plan.

Upon determining compliance, the Zoning Officer shall issue the permit in accordance with the time limits of Section 701.1.M. of this Ordinance. Upon determining non-compliance, the zoning permit application shall be denied and shall be accompanied by a letter detailing the reasons for the denial. If the applicant believes that the Zoning Officer has unduly denied the zoning permit, he/she can appeal such determination in accordance with Section 604.5. of this Ordinance.

Section 405 Automobile Auctions and Storage Yards

- 405.1. Within the (C) Zone, automobile auctions and storage yards are permitted by conditional use, subject to the following criteria:
- 405.2. Any site with more than one hundred fifty (150) vehicles shall front solely upon a collector or arterial road, as listed in Section 315 of this Ordinance;
- 405.3. All exterior areas used for the storage of automobiles shall be completely enclosed by a six foot (6') high fence, and shall be subject to the (C) Zone's setback, landscaping and screening requirements imposed upon off-street parking lots;

- 405.4. Access drives shall be governed by Section 310 for a distance of fifty feet (50') from the edge of the street right-of-way. Beyond this, all areas used for vehicle access or storage shall not be governed by Section 311 (off-street parking) of this Ordinance. All access drives and interior drives shall be paved, while vehicle storage areas can have a crushed stone surface;
- 405.5. Vehicles may be stored in a horizontal, stacked configuration; however, no vehicles shall be located more than one hundred feet (100') from an eighteen foot (18') wide on-site access drive; and,
- 405.6. All lighting shall be designed and constructed in accordance with Section 318.2. of this Ordinance.

Section 406 Automobile Filling Stations (Including Minor Incidental Repair)

- 406.1. Within the (C) Zone, automobile filling stations (including minor incidental repair) are permitted by special exception, subject to the following criteria:
- 406.2. The subject property shall have a minimum width of one hundred twenty-five feet (125');
- 406.3. The subject property shall front on an arterial or collector road;
- 406.4. The subject property shall be set back at least three hundred feet (300') from any lot containing a school, day-care facility, playground, library, hospital or nursing, rest or retirement home;
- 406.5. The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited;
- 406.6. All structures (including air compressors, kiosks, gasoline pump islands, but not permitted signs) shall be set back at least thirty feet (30') from any street right-of-way line;
- 406.7. No outdoor storage of auto parts shall be permitted;
- 406.8. Access driveways shall be a minimum of twenty-eight feet (28') and a maximum of thirty-five feet (35') wide and separated by seventy-five feet (75') from one another if located along the same frontage as measured from edge to edge;
- 406.9. All ventilation equipment associated with fuel storage tanks shall be set back one hundred feet (100') and oriented away from any adjoining residentially-zoned properties; and,
- 406.10. The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

Section 407 Automobile Sales, Service and Repair Facilities, Including, But Not Limited To, Auto Mechanics, Drive-Thru Lubrication Services and Tires, Auto Paint, Brake, Muffler, Transmission, Windshield, Auto Body, Car Radio, and Upholstery Shop

- 407.1. Within the (C) Zone, automobile sales, service and repair facilities, including, but not limited to, auto mechanics, drive-thru lubrication services and tires, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shop are permitted by special exception, and within the (MU) Zone such uses excluding sales are permitted by conditional use both subject to the following criteria:
- 407.2. All service and/or repair activities shall be conducted within a completely-enclosed building;
- 407.3. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;
- 407.4. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service or repair operation, shall be permitted;
- 407.5. All exterior vehicle storage areas shall be screened from adjoining residential properties;
- 407.6. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within the (R, R-1, R-2, MHP or MU) Zones;
- 407.7. The demolition or junking of motor vehicles is prohibited; and,
- 407.8. The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.”

Section 408 Bed and Breakfasts

- 408.1. Within the (R-1) Zone, bed and breakfasts are permitted by special exception, and within the (MU) Zone, bed and breakfasts are permitted by conditional use, subject to the following criteria:
- 408.2. Bed and breakfasts shall only be permitted within single-family detached dwellings that existed on the effective date of this Ordinance;
- 408.3. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character;
- 408.4. All floors above or below grade shall have a permanently affixed direct means of escape to ground level;
- 407.5. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 408.6. All parking areas shall be set back a minimum of ten feet (10') from all property lines, and shall be screened from adjoining lots and streets;
- 408.7. A bed and breakfast may erect one (1) sign no larger than two (2) square feet in the (MU) Zone and twelve (12) square feet in size elsewhere, which must be set back ten feet (10') from all lot lines;
- 408.8. Breakfast is the only meal that can be served associated with a bed and breakfast, and then only to registered overnight guests;
- 408.9. The applicant shall furnish evidence that an approved means of sewage disposal

and water supply shall be used;

- 407.10. The applicant shall furnish proof of any needed approval from the PA Department of Labor and Industry; and,
- 408.11. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 409 Billboards

- 409.1. Within the (I) Zone, billboards are permitted by conditional use, subject to the following criteria:
- 409.2. No billboard shall be located within one thousand feet (1,000') of another billboard;
- 409.3. All billboards shall be a minimum of fifty feet (50') from all property lines and street right-of-way;
- 409.4. All billboards shall be set back at least three hundred feet (300') from any land within a residential zone;
- 409.5. No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification;
- 409.6. No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five feet (25') in height;
- 409.7. All properties upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter or vector habitation; and,
- 409.8. Any lighting used for billboards shall be designed to only illuminate the face of the billboard and not cast glare on adjoining areas or in an upward direction.

Section 410 Boarding Houses

- 410.1. Within the (R-2) Zone, boarding houses are permitted by special exception, and within the (MU) Zone, boarding houses are permitted by conditional use, subject to the following criteria:
- 410.2. The following minimum lot area requirements shall be provided:

Minimum Required Lot Size	plus	Additional Lot Area Per Boarder (up to 10 boarders)
10,000 sq. ft.	plus	500 sq. ft.

- 410.3. The applicant shall furnish evidence that approved systems for public sewage disposal and water supply shall be used;

- 410.4. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- 410.5. All floors above and/or below grade shall have a permanently affixed direct means of escape to ground level;
- 410.6. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 410.7. One (1) sign, not to exceed twelve (12) square feet, shall be permitted;
- 410.8. The applicant shall furnish proof of any needed approval from the PA Department of Labor and Industry; and,
- 410.9. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 411 Campgrounds

- 411.1. Within the (A & R) Zones, campgrounds are permitted by special exception, subject to the following criteria:
- 411.2. Minimum Lot Area - Ten (10) acres;
- 411.3. Setbacks - 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;
- 411.4. 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;
- 411.5. An internal road system shall be provided, as required by Section 703 of the SLDO;
- 411.6. All outdoor play areas shall be set back one hundred feet (100') from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors;
- 411.7. 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 and screened from adjoining residentially-zoned properties. Such facilities shall be designed and maintained so as to be secure from native animals such as raccoon, bears, etc.;
- 411.8. 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 parcels;
- 411.9. All campgrounds containing more than one hundred (100) campsites shall have

vehicular access to an arterial or collector street;

- 411.10. A campground may construct one freestanding or attached sign containing no more than thirty-two (32) 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;
- 411.11. 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;
- 411.12. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground;
- 411.13. 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,
- 411.14. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties, public streets or in an upward direction.

Section 412 Car Washes

- 412.1. Within the (C) Zone, car washes are permitted by special exception, subject to the following criteria:
- 412.2. Gray water recycling is required;
- 412.3. For automatic and self-service car washes, each washing bay shall provide a minimum one hundred foot (100') long on-site stacking lane which precedes the washing process. For full service car washes, such on-site stacking shall be a minimum of three hundred feet (300') per lane;
- 412.4. For full service car washes, a post-washing drying area shall be provided for no less than six (6) vehicles per washing lane;
- 412.5. All structures housing washing apparatuses shall be set back one hundred feet (100') from any street right-of-way line, fifty feet (50') from any rear property line, and twenty feet (20') from any side lot line;
- 412.6. 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;
- 412.7. The subject property shall front on an arterial or collector road; and,
- 412.8. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

Section 413 Churches and Related Uses

413.1. Within the (MU) Zone, churches and related uses are permitted by conditional use, subject to the following criteria:

413.2. House of Worship:

1. Minimum lot area - Two (2) acres;
2. Minimum lot width - Two hundred feet (200');
3. All houses of worship shall have vehicular access to an arterial or collector highway;
4. Side yard setback - Fifty feet (50') on each side; and,
5. All off-street parking areas shall be set back at least twenty-five feet (25') from the street right-of-way line.

413.3. Church Related Residences (Rectories and Convents):

1. All residential uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a house of worship; and,
2. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the (MU) Zone, except that any number of church-related persons may share group quarters.

413.4. 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 education 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 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 residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
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 (MU) Zone; and,
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 shall be provided for each six (6) students enrolled below

grade ten, and/or one (1) off-street parking space for each three (3) students, grades ten and above.

413.5. 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 Floodplain Zone.

413.6. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 414 Cluster Developments

414.1. Within the (A, R, R-1 and R-2) Zones, cluster developments are permitted by conditional use, subject to the following criteria:

414.2. Purpose - This conditional use is intended to blend various residential development types amid substantial areas of the Township that are characterized by natural sensitivity, productive farmlands and/or public parklands. It is the express purpose to offer a density bonus and flexible design standards as enabled in the Act for the preservation and protection of natural-cultural features and/or the provision of public accessible common open space. Clustering, as defined herein, may be arranged in many design configurations on a prospective lot or lots.

414.3. The minimum lot area devoted to a cluster development shall be four (4) acres and the applicant shall demonstrate an approved means of water supply and sewage disposal will serve each dwelling unit;

414.4. Delineation of Required Common Open Space – Cluster developments are characterized by required common open space as defined herein. However, applicants may opt to provide for future agricultural use common open space provided that the planning considerations of Section 200.11. of this Ordinance are satisfied and suitable permanent agricultural preservation easements are recorded in a form acceptable to the Township solicitor; in such cases public access shall not be required to such agricultural areas. Common open spaces can also be used for central sewer and water facilities provided such facilities are suited, designed and operated in a manner compatible with the permanent protection of the common open space without adverse impact. The following lists the minimum common open space requirements for each Zone in which cluster developments are permitted:

Minimum Required Common Open Space			
A Zone	R Zone	R-1 Zone	R-2 Zone
60% of the lot area	50% of the lot area	30% of the lot area	25% of the lot area

414.5. Identification of Required Common Open Space - As part of the site planning process for the cluster development, the applicant shall be required to prepare a detailed natural and cultural features inventory of the site. Such features shall become all or part of the required common open space. Qualified experts must identify, describe and plot each of the following found on the proposed site:

Mandatory conservation features - The following features must be undisturbed and successfully integrated within the cluster development's common open space:

- 100-year floodplains;
- steep slopes [greater than twenty-five percent (25%)];
- wetlands, streams, ponds, or other waterways;
- sinkholes, caves, or rock outcroppings;
- streamside buffers, as regulated by Section 231 of this Ordinance; and,
- Greenway corridors as identified in the Cumberland County Comprehensive Plan (2003) and Land Partnerships, Cumberland County Open Space Preservation and Smart Growth Plan (2006).

Suggested conservation features - The following features should be undisturbed and successfully integrated within the cluster development's common open space:

- productive agricultural soils;
- steep slopes [greater than fifteen percent (15%)];
- wetland margins, as defined herein;
- significant geologic features;
- scenic vistas;
- threatened or endangered species habitats as identified in the most recent inventory of the Pennsylvania Natural Diversity Inventory (PNDI);
- archaeological resources;
- historic resources; and,
- significant stands of mature trees.

In addition, the applicant can include a proposed golf course subject to the requirements of Section 424 of this Ordinance and/or proposed parklands within required common open space if such parkland complies with the following:

1. The parkland shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each parkland site shall have at least one (1) area available for vehicular access that is no less than twenty-four feet (24') in width;
2. The parkland shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, ball fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided, where practicable, as an expansion of the existing facility;
3. The parkland shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five percent (25%) of the parkland site shall be comprised of floodplains, storm water management facilities and/or slopes exceeding three percent (3%). Any unimproved area of the site that will be used as open play area shall be provided with a healthy and vibrant grass ground cover;

4. The parkland shall be located and designed to conveniently access needed proximate public utilities (e.g., sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above ground protrusion of an underground utility should be permitted in active play areas of the site;
5. No part of the parkland shall be calculated as part of any required setback, yard and/or open space for adjoining lots or uses as regulated by the Zoning Ordinance; and,

414.6. Ownership and Maintenance of Common Open Space The ownership and maintenance of common open space shall be governed by Section 319 of this Ordinance.

414.7. Endowment of Common Open Space – An endowment fund may be established to fund the maintenance of common open space although it is not required. Except in the case when common open space will be devoted to agricultural use, when common open space is to be donated to a land trust or to the municipality, the Board may allow up to a ten percent residential density bonus to generate additional income to the applicant for the sole, purpose of endowing a permanent fund to offset continuing costs of maintaining the common open space (involving activities such as mowing meadows, removing invasive vines, paying insurance premiums and local taxes, etc.), including costs associated with active or passive recreation facilities. Spending from this fund shall be restricted to expenditure of interest so that the principal may be preserved. Assuming an annual average interest rate of five percent, the amount designated for the Endowment Fund shall be at least twenty (20) times the estimated annual maintenance costs. Such estimate shall be prepared by an agency, firm, or organization acceptable to the Board, and with experience in managing conservation land and recreational facilities.

Because additional dwellings, beyond the maximum that would ordinarily be permitted, may reasonably be considered to be net of development costs and represent true profit, 75% of the net selling price of the endowment lots shall be donated by the applicant to the Common Open Space Maintenance Endowment Fund for the common open spaces within the cluster development. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities, at the time this entity is created.

When estimating the projected maintenance costs of the common open space, common open space that is not accessible by the cluster development residents for their common enjoyment need not be included in the calculations. Such lands would typically include areas designated on the Final Subdivision Plan for Conservancy Lots or as land reserved for future agricultural, horticultural, silvicultural, equestrian uses, or golf course use which may be leased or sold to another party for those express purposes, and which are protected from future development by a permanent conservation easement. In such cases, the density bonus shall be adjusted proportionately to reflect only the acreage that is accessible to residents for their passive or active recreation.

414.8. Desired Trail Features - The Board may permit one additional dwelling unit for each 2500 lineal feet of trail that is designated for general public use. The decision whether to accept an applicant's offer to dedicate common open space for general public usage within a cluster development shall be at the sole discretion of the Board, which shall be guided by the recommendations contained in the Township's Comprehensive Plan, particularly those sections dealing with active recreational facilities and passive trail networks.

414.9. Permanent Protection of Common Open Space - Required common open space shall be subject to permanent conservation easements in a form that is

acceptable to the Township Solicitor. Such conservation easement shall, unless waived by the Board, prohibit future development and define the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and/or to install subsurface septic disposal systems or spray irrigation facilities.) The determination of necessity shall lie solely with the Board. The Township, or its agents and assigns, reserves the right to monitor and enforce the terms of the conservation easement, which will include how the common open space may be used and by whom it will be maintained. Where walking trails or other public facilities are included in the common open space, such facilities must be in place prior to final approval of the conservation easement document by the Township.

- 414.10. Permitted Densities - The following tabulates permitted residential densities:

Maximum Permitted Densities*			
A Zone	R Zone	R-1 Zone	R-2 Zone
1 unit / 2 acres	1 unit / 1.5 acres	4 units / acre	8 units / acre

* These densities are subject to the bonuses described in Sections 414.7. and 414.8. of this Ordinance.

- 414.11. Required Ratio Housing Types - The following tabulates permitted residential structure types within cluster developments based upon the extent of proposed common open space.

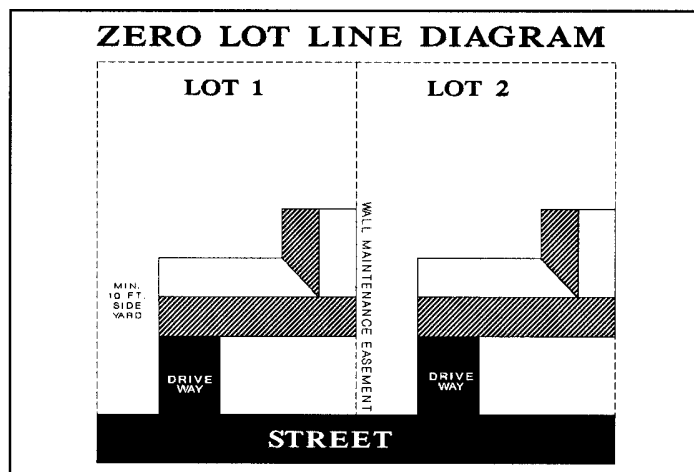
Zone	Minimum Proposed Common Open Space (% of Total Site Area)	Percentage of Dwelling Units Required by Structural Type		
		Single-Family Detached	Duplex	Townhouses or Multiple-Family Dwellings
A	60%	At least 80%	No more than 20%	Not Permitted
R	50%	At least 80%	No more than 20%	Not Permitted
R-1	30%	No restriction		
R-2	25%			

- 414.12. Required Design Standards - The following table and its footnotes present applicable design standards applied to the various dwellings/lots configured as a cluster development:

Use	Minimum Lot Area	Maximum Permitted Height	Minimum Lot Width at Building Setback/(Frontage)	Maximum Lot Coverage	Minimum Required Yards			
					Front ⁴	One Side	Both Sides	Rear ⁵
Single- Family Detached Dwelling	6,000 sq. ft.	35 ft.	60 ft. (50 ft.)	50%	25 ft. ¹	6 ft. ³	12 ft.	15 ft.
Duplexes	3,500 sq. ft. per unit	35 ft.	45 ft. (40 ft. per unit)	60%	25 ft.	10 ft.	N/A	15 ft.
Townhouses ²	1,800 sq. ft. per unit	35 ft.	18 ft. (18 ft.) per unit	75%	25 ft.	15 ft.	(End Units)	20 ft.
Multiple-Family ³	43,560 sq. ft.	35 ft.	150 ft. (200 ft.)	60%	35 ft.	30 ft.	60 ft.	35 ft.

¹Within a cluster development, single-family detached dwellings may employ a zero-lot-line design when the following conditions have been satisfied:

- Minimum lot width shall be forty-five feet (45') and thirty-five feet (35') at the building setback and the lot frontage, respectively.
- One side wall of the structure may be located no less than one inch (1") from one of the side lot lines when adjoining another zero-lot-line dwelling lot. The opposite side yard shall be at least ten feet (10') wide.
- A perpetual six foot (6') wall-maintenance easement shall be provided on the lot adjacent to the zero-lot line, which shall be kept clear of structures and vegetation.



This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment, unless otherwise agreed to in writing by the two affected lot owners.

- Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four inches (24"), but the roof shall be so designed that water runoff from the dwelling place on the lot line is limited to the easement area.
- The wall of a dwelling located along the zero-lot-line shall have no openings (e.g., windows, doors, air conditioning units, vents, etc.), unless such openings are located at least eight feet (8') above grade, and have translucent panels.

²No townhouse building shall contain more than eight (8) units. For each townhouse building containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen feet (15') from any interior access drives, or parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty feet (30') from any perimeter boundary of the development site. In those instances where several townhouse buildings are located on the same lot, the following footnote 3 shall apply.

³In those instances where several multiple-family dwelling buildings and/or townhouse buildings are located on the same lot, the following separation distances will be provided between each building:

- Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty feet (50') between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten feet (10') at one end if increased by similar or greater distance at the other end.
- A minimum yard space of thirty feet (30') is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty feet (20').
- A minimum yard space of thirty feet (30') is required between end walls and front or rear faces of buildings.
- All multiple-family dwelling buildings shall be set back a minimum of fifteen feet (15') from any interior access drives or parking facilities contained on commonly-held lands.

⁴If the property abuts an arterial road, the minimum front yard setback shall be forty feet (40') from the right-of-way line. Except for multiple-family dwellings, the minimum front yard setback for accessory residential garages shall be twenty feet (20').

⁵Where dwellings abut common open space to the rear, the minimum required rear yard setback shall be reduced to twenty feet (20').

- 414.13. The following tabulates a hypothetical potential residential unit yield example assuming the use of the cluster development standards on a twenty (20) acre parcel within each respective Zone:

Potential Development Example Using Cluster Development Standards				
Zone	Min. Required Open Space	Developable Area	Permitted Density	Total Permitted Dwelling Units*
A	60% = 12 ac.	8 ac.	1 unit / 2ac.	10 units
R	50% = 10 ac.	10 ac.	1 unit / 1.5 ac.	13 units
R-1	30% = 6 ac.	14 ac.	4 unit / 1 ac.	80 units
R-2	25 % = 5 ac.	15 ac.	8 units / 1 ac.	160 units
* Section 414.8. provides for a density bonus of one dwelling unit for each 2500 lineal feet of trail in preserved area designated for public use and Section 414.7. provides for a ten percent (10%) density bonus when the applicant establishes a common open space endowment fund.				

- 414.14. The parking and/or storage of heavy equipment and/or recreational vehicles for dwellings located within a cluster development shall comply with Section 302 of this Ordinance regardless of in which Zone they are located.

Section 415 Commercial Day-Care Facilities

- 415.1. Within the (MU) Zone, commercial day-care facilities are permitted by special exception subject to the following criteria:
- 415.2. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the zone and/or neighborhood. Outdoor play areas shall be completely enclosed by a minimum four foot (4') high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- 415.3. Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period;
- 415.4. 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;
- 415.5. One (1) off-street parking space shall be provided for each six (6) persons enrolled;
- 415.6. All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania; and,
- 415.6. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 416 Commercial Produce Operations

- 416.1. Within the (A) Zone, commercial produce operations are permitted by special exception, subject to the following criteria:
- 416.2. Minimum Lot Area - Ten (10) acres;
- 416.3. Maximum Permitted Lot Coverage - Thirty percent (30%), including all impervious surfaces;
- 416.4. If applicable, the applicant shall submit written evidence from the appropriate review that the proposed use has an approved nutrient management plan. All subsequent operations and activities shall be conducted in accordance with such plans. If, at any time, the nutrient management plan is amended, the applicant must again submit written evidence of plan approval to the Zoning Officer;
- 416.5. The applicant shall furnish evidence from the Cumberland County Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the applicant must again furnish evidence from the Cumberland County Conservation District that the amended plan has been approved;
- 416.6. The applicant shall abide by, and demonstrate a working knowledge of, those methods that will be employed to comply with the above-required nutrient management plan and conservation plan;
- 416.7. If greenhouses, or other buildings with substantially clear or translucent surfaces, are used, the applicant shall submit information that demonstrates compliance with Section 318.2. of this Ordinance;
- 416.8. Any exhaust or ventilation fans employed shall be oriented and directed away from the closest residence that is not that of the operator. If said fans are within one thousand feet (1,000') of the closest subject property line, then the applicant shall construct a dispersion buffer. Such dispersion buffer shall include a vegetative berm that will effectively disperse or redirect fan exhaust so that no direct exhaust velocity is perceptible at any of the subject property lines;
- 416.9. Any driveway or access drive providing for vehicular access to the proposed use shall be paved and shall maintain a fifty foot (50') wide radius for all turns and intersections;
- 416.10. Any on-site waste storage facilities shall comply with the requirements of Section 200.2.13.C. of this Ordinance;
- 416.11. While a commercial produce operation exists, no subdivision or land development that would create an additional principal dwelling unit shall be permitted on the subject property;
- 416.12. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed;

In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the Township to evaluate the impact of

the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the Township and Authority engineers;

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.

A water feasibility study shall include the following information:

- calculations of the projected water needs;
- a geologic map of the area, with a radius of at least one mile from the site;
- the location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;
- the location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
- the location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution;
- a determination of the long-term safe yield based on the geologic formation(s) underlying the site;
- a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table; and,
- a statement of the qualifications and the signature(s) of the person(s) preparing the study.

- 416.13. Should the proposed use not make use of public water, and require more than 100,000 gallons of water per day, the applicant shall furnish written evidence of approval from the Susquehanna Valley River Basin Commission;
- 416.14. All commercial produce operations must comply with Article X of the SLDO;
- 416.15. The applicant shall be required to obtain an approved land development under the requirements of the Subdivision and Land Development Ordinance;
- 416.16. The applicant shall be required to submit a traffic impact report, in accordance with Section 320 of this Ordinance;
- 416.17. The applicant shall be required to submit a written qualified plan for the removal of all buildings and the reclamation of all topsoil in the event of discontinuance of the commercial produce operation. If the site is graded during construction and operation of the commercial produce operation, all topsoil shall remain on the site in a manner which makes it conveniently accessible for reclamation. Should the applicant not adequately guarantee the removal of such buildings and reclamation of topsoil upon discontinuance of the commercial produce operation at his/her expense, the special exception shall be denied;
- 416.18. The site shall include one (1) off-street parking space for each employee during the largest work shift;
- 416.19. The applicant may conduct a roadside stand operation within one of the permanent buildings, but such use shall be limited to no more than two hundred fifty (250) square feet of display area;
- 416.20. All buildings and storage/processing structures shall be set back at least one hundred feet (100') from adjoining roads and properties, and all off-street parking

and loading spaces, outdoor storage areas and dumpsters shall be set back at least fifty feet (50') and screened from adjoining roads and properties;

- 416.21. One (1) sign, as provided for in Section 314, shall be permitted; and,
- 416.22. The applicant shall be required to install and maintain a streamside buffer along any watercourse that is located upon the subject property according to those specifications listed in Section 231 of this Ordinance.

Section 417 Reserved For Future Use

Section 418 Communication Towers and Equipment That Are Not Co-located

- 418.1. Within the (A) Zone, communication towers and equipment that are not co-located are permitted by special exception use and within the (I) Zone, communication towers and equipment that are not co-located are permitted by conditional use, subject to the following criteria:

- 418.2. Prerequisite Co-location Analysis - Approval of a new freestanding communication tower or antenna will only be permitted after qualified expert demonstration by the applicant that no other opportunity exists within a two (2) mile radius of the proposed site to co-locate such antenna onto any of the following:

- utility transmission towers;
- observation towers;
- communication towers;
- silos;
- steeples;
- smokestacks;
- water towers;
- flagpoles; and,
- other similar structures.

In order to demonstrate compliance with this section, the applicant must prepare and submit an inventory map of all such co-location opportunities within a two (2) mile radius of the proposed site and list the specific reason why each co-location site is not possible, for one or more of the following reasons:

- Written refusal by current tower owner to accommodate proposed antenna;
- Topographic limitations that prevent adequate transmission coverage;
- Adjacent impediments blocking adequate transmission coverage;
- Technical limitations of the system that prevent adequate transmission coverage;
- Proposed antenna exceeds structural capacity of structure or tower;
- Inadequate space on structure or tower;
- Reserved space on existing structure or tower for other antennas; and/or,
- Other specifically described limiting factors rendering existing structure or tower unusable.

- 418.3. Siting Requirements - The applicant shall demonstrate, using technical evidence, that the proposed location is necessary for the efficient operation of the system. All other uses associated with the communication antenna or tower, such as a business office, maintenance depot, business sign, or vehicle storage, shall not be located on the site, unless the use is otherwise permitted in the Zone in which the site is located;

- 418.4. Future Co-location Requirements - In order to reduce the number of towers needed in the Township in the future, any proposed new tower or other support structure shall be designed to accommodate other co-located antennas, including, but not limited to, police, fire and emergency services;
- 418.5. Required Antenna Towers - Except as provided below, a monopole antenna tower shall be required when new towers are proposed, unless the applicant can conclusively demonstrate that:
- The cost of erecting a monopole would preclude the provision of adequate service to the public;
 - The use of a monopole would produce an unsafe antenna support structure at the proposed location;
 - The proposed alternative antenna structure would have the least adverse visual impact on the environment and surroundings; and/or,
 - The proposed alternative antenna support structure is more architecturally compatible with surrounding uses and blends in better with the existing characteristics of the site and its surroundings.
- 418.6. Permitted Height - The applicant shall submit expert testimony that the communication antenna or tower is the minimum height required to function satisfactorily. In no case shall an antenna or tower exceed one hundred ninety-nine feet (199') in height;
- 418.7. Required Setbacks - Any communication antenna or tower shall be set back from each property line a distance equal to its height, plus fifty feet (50'). This setback shall also be applicable to guy wire anchors for the communication antenna or tower:
- No antenna or tower shall be located within five hundred horizontal feet (500') of:
- Any land within the (R, R-1, R-2, MHP or MU) Zones;
 - The nearest property line of any existing residence;
 - The nearest property line of any approved lot which has been subdivided during the last five (5) years for residential purposes, which has not yet been constructed; and,
 - The nearest property line of any lot proposed for residential purposes that has been submitted for preliminary or final subdivision approval.
- 418.8. Required Finishes and Lighting - Communication antennas or towers shall be painted with silver or gray paint, or have a galvanized finish in order to reduce visual impact. Support structures may be painted green up to the height of nearby trees, to lessen visual impact. No communication antenna or tower may be artificially lighted, except when required by the Federal Aviation Administration, State regulations or by Township requirements;
- 418.9. Anti-climbing Requirements - All communication antennas or towers shall be fitted with anti-climbing devices, as approved by the manufacturers;
- 418.10. Compliance With Communication Requirements - The applicant shall be required to demonstrate that it is licensed by the Federal Communications Commission to operate the proposed use and that it will comply with the applicable standards governing human exposure to electromagnetic radiation by the Federal Communications Commission. The applicant shall also demonstrate compliance with guidelines recommended by the American National Standard Institute (ANSI) (ANSI/ IEEE C95.1-1992) with respect to radio frequency emissions;

- 418.11. Compliance With Aviation Requirements - The applicant shall demonstrate that the proposed use will comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable Airport Zoning Regulations;
- 418.12. Required Historic Site Findings - In accordance with Section 106 of the National Historic Preservation Act as an undertaking requiring a Federal permit, license or approval, the applicant shall be required to obtain a Letter of Determination from the State Historic Preservation Office of the Pennsylvania Historical and Museum Commission, determining that the proposed use will not adversely affect any historic resources;
- 418.13. Required Construction Certification - The applicant shall furnish a sealed statement from a registered engineer that the support methods employed will prevent the collapse, toppling or falling of the communication antenna or tower, or portion thereof, and will prevent the windborne scattering of ice onto adjoining properties and/or roads;
- 418.14. Required Fencing and Signage - All communication antennas or towers and guy wire anchors shall be completely enclosed by a minimum eight foot (8") high non-climbable fence. All ground-mounted satellite dishes that are used to transmit video format data shall also require prominent posting on the fence of signage warning of dangerous radiation levels. Any gates within the fence shall be self-closing and shall be locked when the site is unattended;
- 418.15. Required Parking - If a tower site is fully automated, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift, but in any event, may not be less than two (2) off-street parking spaces;
- 418.16. Required Landscaping - The applicant shall be required to provide landscaped screening, as defined herein, around the ground-level features of the proposed use (e.g., tower base, fence, parking and loading, related buildings, guy wire anchors, etc.). In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible;
- 418.17. Required Removal Plan - The applicant shall submit a plan for the removal of the communication antenna when it becomes functionally obsolete or is no longer in use. The applicant shall be responsible for the removal of the antenna within three (3) months from the date it ceases operation or the antenna becomes obsolete;
- 418.18. Required As-Built Plan - Prior to issuance of a certificate of use and occupancy, the applicant shall be required to submit an "as-built" site plan, prepared by either a registered surveyor or a professional engineer, depicting elevations, the communication antenna or tower, buildings, fences, screening, access, and any accessory structures; and,
- 418.19. Required Biennial Inspection - Beginning in December of 2006, and by December 1 of each even-numbered year thereafter, any approved communication antenna or tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of such antennas or towers. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of said inspection report shall be provided to the Township, along with a review fee in the amount to be determined by resolution by the Board of Supervisors. Failure to provide this inspection report and review fee shall constitute a violation of this Ordinance.

Section 419 Drive-Thru and/or Fast-Food Restaurants

- 419.1. Within the (C) Zone, drive-thru and/or fast-food restaurants are permitted by special exception, subject to the following criteria:
- 419.2. The subject property shall front on an arterial or collector road, or be completely contained within a shopping center;
- 419.3. 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;
- 419.4. All drive-thru window-lanes shall be separated by curb from the parking lot's interior driveways;
- 419.5. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties;
- 419.6. All exterior seating/play areas shall be completely enclosed by a minimum three foot (3') high fence; and,
- 419.7. No part of the subject property shall be located within two hundred feet (200') of any land within the (R, R-1, R-2, MHP and MU) Zones.

Section 420 Duplexes, townhouses and multiple-family dwellings

- 420.1. Within the (MU) Zone, duplexes, townhouses and multiple-family dwellings are permitted by conditional use, subject to the following criteria:
- 420.2. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 421 Farmers and/or Flea Markets

- 421.1. Within the (C) Zone, farmers and/or flea markets are permitted by special exception, subject to the following criteria:
- 421.2. 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 areas as listed above;
- 421.3. 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;

- 421.4. Off-street parking shall be provided at the rate of one (1) space per each two hundred (200) square feet of retail sales area, and shall be designed and used in accordance with Section 311.19. of this Ordinance;
- 421.5. Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in Section 312 of this Ordinance;
- 421.6. All outdoor display and sales of merchandise shall cease no less than one (1) hour after dusk;
- 421.7. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties; and,
- 421.8. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

Section 422 Farm Equipment or Lawn and Garden Equipment Distribution, Sales and Service

- 422.1. Within the (A) Zone, farm equipment or lawn and garden equipment distribution, sales and service is permitted by special exception subject to the following criteria:
- 422.2. For the purposes of this Section, farm equipment or lawn and garden equipment shall be limited to those vehicles/equipment that are classified by the Pennsylvania Vehicle Code as a "Farm Vehicle", "Implement of Husbandry", or "Multipurpose Agriculture Vehicle (MAV);
- 422.3. The minimum lot area (principal and accessory uses) shall be five (5) acres;
- 422.4. The building shall be setback at least fifty (50) feet from any lot or street line;
- 422.5. All service and/or repair activities shall be conducted within a completely-enclosed building;
- 422.6. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;
- 422.7. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service or repair operation, shall be permitted;
- 422.8. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining property within the (R-1, R-2, MHP or MU) Zones;
- 422.8. The demolition or junking of farm equipment or lawn and garden equipment is prohibited; and,
- 422.9. The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.
- 422.10. The sales and service business shall be easily accessible from an improved street or highway with safe ingress and egress for vehicular traffic via an access drive in accordance with Section 310 of this Ordinance.

- 422.11. Exterior lighting, other than that essential for safety and convenience of the users of the premises, shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots. Lighting shall comply with Section 318.1. of this Ordinance;
- 422.12. Only one (1) sign identifying the sales and service business use shall be permitted and in accordance with Section 314 of this Ordinance; and,
- 422.13. No outdoor display of goods for sale or rental shall be located in required front or side yards.

Section 423 Funeral Homes

- 423.1. Within the (MU) Zone, funeral homes are permitted by conditional use and within the (C) Zone, funeral homes are permitted by special exception, both subject to the following criteria:
- 423.2. Sufficient off-street parking shall be provided to prevent back-ups onto adjoining roads; the applicant shall describe what measure will be used to prevent back-ups (e.g. overflow parking, parking attendants, etc.) to prevent such back-ups;
- 423.4. All parking areas shall be setback at least ten feet (10') from adjoining lot lines, and no parking areas shall be permitted within the front yard;
- 423.5. No direct vehicular access shall be permitted onto an arterial road from the site; and,
- 423.6. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 424 Golf Courses and Driving Ranges

- 424.1. Within the (A & R) Zones, golf courses and driving ranges are permitted by special exception. Golf courses must comply with all of the following criteria, while freestanding driving ranges must comply with Sections 424.2., 424.3., 424.6., and 424.7:
- 424.2. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway;
- 424.3. Golf Paths - Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition.
1. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform to the following:

- A. Each crossing shall be perpendicular to the traffic movements;
- B. Only one (1) street, access drive or driveway may be crossed at each location;
- C. No crossing is permitted between a point fifteen feet (15') and one hundred fifty feet (150') from the cartway edge of a street, access drive or driveway intersection;
- D. The crossing must be provided with a clear sight triangle of seventy-five feet (75'), measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five feet (5') from the edge of the roadway. No permanent obstruction over thirty inches (30") high shall be placed within this area;
- E. Sight Distance - Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The required sight distance shall be governed by Section 305 of this Article;
- F. The golf cart path shall not exceed a slope of eight percent (8%) within twenty-five feet (25') of the cartway crossing;
- G. Golf path crossings shall be signed, warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes; and,
- H. Golf path crossings of collector or arterial streets shall consist of a tunnel or bridge that is not located at street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.

424.4. All golf course buildings shall be set back seventy-five feet (75') from any adjoining roads and one hundred feet (100') from adjoining residential structures or parcels;

424.5. 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 rest rooms;
 - C. Pro shop;
 - D. Administrative offices;
 - E. Golf cart and maintenance equipment storage and service facilities;
 - F. Guest lodging for those using the golf course, provided:
 - no lodging units have separate exterior means of ingress/egress;
 - all lodging units shall be contained within the main clubhouse; and,
 - such guest lodging shall have a total occupancy of no more than twenty (20) persons;
 - G. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steamrooms;
 - H. Game rooms, including card tables, billiards, ping-pong, and other similar table games; and,

- I. Baby-sitting rooms and connected fence-enclosed playlots.
 2. Accessory recreation amenities located outside of a building, including:
 - A. Driving range, provided that no lighting is utilized;
 - B. Practice putting greens;
 - C. Swimming pools;
 - D. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;
 - E. Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;
 - 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 playlot games, including 4-square, dodge-ball, tetherball, and hopscotch.
 3. Freestanding maintenance equipment and supply buildings and storage yards.
- 424.6. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred feet (100') and screened from adjoining residential structures and roads;
- 424.7. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the municipal system will supply the water needed.

If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.

A water feasibility study shall include the following information:

- calculations of the projected water needs;
- a geologic map of the area with a radius of at least one mile from the site;
- the location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;
- the location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
- the location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution;
- based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
- a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table; and,
- a statement of the qualifications and the signature(s) of the person(s) preparing the study.

Section 425 Heavy Equipment Sales, Service and/or Repair Facilities

- 425.1. Within the (I) Zone, heavy equipment sales, service and/or repair facilities are permitted by conditional use, subject to the following criteria:
- 425.2. All service and/or repair activities shall be conducted within a completely-enclosed building;
- 425.3. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
- 425.4. All exterior storage and/or display areas shall be screened from adjoining residentially-zoned properties. 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;
- 425.5. The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes and heavy equipment vehicles on the property is prohibited;
- 425.6. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining residentially-zoned property; and,
- 425.7. All vehicles shall be repaired and removed promptly from the premises.

Section 426 Heavy Industrial Uses

- 426.1. Within the (I) Zone, heavy industrial uses are permitted by conditional use, subject to the following criteria:
- 426.2. The applicant shall provide a detailed 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;
 - 3. 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 any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including, but not limited to, those of Section 318 of this Ordinance; and,
 - 4. A traffic impact report prepared by a professional traffic engineer, according to Section 320 of this Ordinance.

Section 427 Home Improvement and Building Supply Stores

- 427.1. Within the (C) Zone, home improvement and building supply stores are permitted by special exception, subject to the following criteria:
- 427.2. If the subject property contains more than two (2) acres, it shall front along an arterial road;
- 427.3. 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;
- 427.4. 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;
- 427.5. All exterior retail sales areas shall include a dust-free surface and shall be completely enclosed by a six foot (6') high fence and gate;
- 427.6. All exterior storage and retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties;
- 427.7. 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;
- 427.8. Any drilling, cutting, sawing, mixing, crushing or some other preparation of building materials, plus any testing or repair of motorized equipment shall be conducted within a completely enclosed building; and,
- 427.9. The applicant shall submit a traffic impact report, as governed by Section 320 of this Ordinance.

Section 428 Home Occupations

- 428.1. Within the (R-1, R-2 and MU) Zones, home occupations are permitted by conditional use, subject to the following criteria:
- 428.2. The use shall be clearly incidental to the primary use of the premises as a dwelling for living purposes;
- 428.3. No more than one (1) non-residents may be employed on the site;
- 428.4. No more than one (1) home occupations may be located in any dwelling unit;
- 428.5. The home occupation shall not alter the appearance of the building as a dwelling unit;
- 428.6. No mechanical equipment shall be employed in a home occupation, other than that customarily utilized for hobby or domestic purposes;
- 428.7. No sales of any goods or merchandise shall occur on the premises, other than those goods or merchandise which are produced on the premises, are clearly incidental to the home occupation, or are limited to the retail sales of seasonal and/or holiday items for one period not to exceed thirty (30) days in any calendar

year;

- 428.8. No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress;
- 428.9. No goods shall be displayed so as to be visible from the exterior of the premises;
- 428.10. Home occupations shall be limited to not more than twenty-five percent (25%) of the floor area of the dwelling unit, or five hundred (500) square feet, whichever is less;
- 428.11. No accessory building or structure shall be utilized for any aspect of a home occupation;
- 428.12. In addition to the required parking spaces for the dwelling unit, one (1) parking space per potential patron on site at one time shall be provided and screened from adjoining residences, if located in a side or rear yard;
- 428.13. Only one (1) sign per home occupation shall be permitted. Such sign shall not be illuminated and shall be limited to two (2) square feet within the (MU) Zone and twelve (12) square feet elsewhere; and,
- 428.14. The applicant shall submit evidence of all applicable State approvals.
- 428.15. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 429 Junkyards

- 429.1. Within the (I) Zone, junkyards are permitted by conditional use, subject to the following criteria:
- 429.2. Minimum Lot Area - Ten (10) acres;
- 429.3. 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;
- 429.4. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth;
- 429.5. All buildings used to store junk shall be completely enclosed and set back at least fifty feet (50') from all property lines;
- 429.6. No material may be stored or stacked so that it is visible from adjoining properties and roads;
- 429.7. All additional Federal and State laws shall be satisfied;
- 429.8. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight feet (8');

- 429.9. No material shall be burned at any time;
- 429.10. 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;
- 429.11. No junkyard shall be located on land with a slope in excess of five percent (5%); and,
- 429.12. No Junk yard shall be located within two hundred feet (200') of any land within the (R, R-1, R-2, MHP or MU) Zones.

Section 430 Manufactured Housing Parks

- 430.1. Within the (MHP) Zone, manufactured housing parks are permitted by conditional use, subject to the requirements of Article VIII of the SLDO.

Section 431 Medical, Dental, Optical and Counseling Clinics and Offices;

- 431.1. Within the (MU) Zone, medical, dental, optical and counseling clinics and offices are permitted by conditional use, subject to the following criteria:
- 431.2. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 432 Medical Residential Campuses

- 432.1. Within the (R-2) Zone, medical residential campuses are permitted by conditional use, subject to the following criteria:
- 432.2. The campus shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty (50) years old, or possess some handicap that can be treated within a setting like the medical residential campus;
- 432.3. The campus shall achieve a balanced residential/medical environment which cannot be achieved through the use of conventional zoning techniques;
- 432.4. Residences shall be functionally, physically and architecturally integrated with medical service and recreational activity centers;
- 432.5. Commercial, medical and recreational uses shall be grouped together and located near the populations being served;
- 432.6. The minimum land area devoted to the campus shall be twenty-five (25) contiguous acres;
- 432.7. The site shall front on and have access to a collector or arterial road;
- 432.8. All buildings or structures containing nonresidential use(s), off-street parking lots

and loading areas shall be set back at least seventy-five feet (75') from all adjoining land within the (R, R-1, R-2, MHP and MU) Zones, and fifty feet (50') from all lot lines of the campus property;

- 432.9. The maximum permitted overall density is ten (10) dwelling units per acre. For purposes of this section, any two (2) care beds associated with a medical use shall constitute one (1) dwelling unit. No more than fifty percent (50%) of the total number of permitted dwelling units shall consist of care beds. For the purposes of this section, "care beds" shall be defined as any bed where a resident of the medical residential campus may sleep that is not part of a dwelling unit upon which the maximum permitted density is computed. Examples of care beds would include, but not be limited to those associated with medical and/or nursing care, or those associated with congregate or communal living quarters;
- 432.10. All buildings or structures used solely for residential purposes shall be set back at least fifty feet (50') from all lot lines of the campus property;
- 432.11. The maximum permitted height is sixty feet (60'), provided that for buildings exceeding thirty-five (35) feet in height, the minimum setback from each lot line is equal to the height of the structure;
- 432.12. No more than sixty percent (60%) of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces;
- 432.13. Each off-street parking lot shall provide at least twenty percent (20%) of the total parking spaces as those designed for the physically handicapped. Furthermore, such parking spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required; and,
- 432.14. Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community will be permitted. Uses may include, but need not be limited to the following:
1. Dwelling, nursing homes, and congregate living facilities for the elderly or physically handicapped;
 2. Medical facilities including offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities;
 3. Commercial uses which are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the center. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area; and,
 4. Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees, or visitors.

Section 433 Mini-Warehouses

- 433.1. Within the (C) Zone, mini-warehouses are permitted by special exception, and within the (I) Zone, mini-warehouses are permitted by conditional use, subject to the following criteria:

- 433.2. Minimum Lot Area - One (1) acre;
- 433.3. Minimum Lot Width - One hundred fifty feet (150') at the building setback line;
- 433.4. Maximum Building Height - Eighteen feet (18');

One (1) off-street parking space shall be provided for each twenty-five (25) storage units, plus one per each two hundred fifty (250) square feet of office space, plus two per any residential use associated with an on-site manager;

- 433.6. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six feet (26') wide when cubicles open onto one side of the lane only, and at least thirty feet (30') wide when cubicles open onto both sides of the lane;

- 433.7. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned recreation vehicles, so long as such external storage area is screened from adjoining land within the (R-1, R-2, MHP and MU) Zones and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles;

- 433.8. Except as noted above, all storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above;

- 433.9. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited;

- 433.10. No door openings for any mini-warehouse storage unit shall be constructed facing any residentially-zoned property;

- 433.11. Mini-warehouses shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:

1. Auctions, commercial wholesale or retail sales, or garage sales;
2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
4. The establishment of a transfer and storage business; and,
5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations;

The applicant shall adequately demonstrate that all mini-warehouses rental and/or use contracts shall specifically prohibit these uses;

- 433.12. The mini-warehouses will be surrounded by a six foot (6') to eight foot (8') high fence; and,

- 433.13. All outdoor lights shall be shielded to direct light and glare only onto the site and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property. The applicant shall demonstrate compliance with Section 318.2. of this Ordinance.

Section 434 Mining (Open Pit Mining and Strip and Borrow) and Related Processing Facilities including Reprocessing and Recycling of Mineral and/or Mineral Derived Materials.

- 434.1. Within the (Q) Zone, mining (open pit mining and strip and borrow) and related processing facilities including reprocessing and recycling of mineral and/or mineral derived materials are permitted by conditional use, subject to the following criteria:

- 434.2. General - Mining and related operations operations:

1. shall not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
2. shall not adversely affect any public or private water supply source;
3. shall not adversely affect the logical, efficient and economical extensions of public services, facilities and utilities throughout the Township;
4. shall not create any significant damage to the health, safety or welfare of the Township and its residents and property owners;
5. shall not result in the land area subject to mining being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the mining operation; and,
6. must demonstrate compliance with all applicable State regulations at all times.

- 434.3. Site Plan Requirements - As a part of each application, the applicant shall submit those materials required by Section 7.(b) of the Noncoal Surface Mining Conservation and Reclamation Act (Act No. 1984-219) which shall include, at a minimum, an accurately-surveyed site plan on a scale no less than 1:2400 (1 inch equals 200 feet), showing the location of the subject property or properties to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor, with assistance from experts in related fields, and shall include the following:

1. The boundaries of the proposed land affected, together with the drainage area above and below the subject property;
2. The location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the subject property;
3. The location of all buildings within one thousand feet (1,000') of the outer perimeter of the subject property, and the names and addresses of the owners and present occupants;

4. The purpose for which each building is used; and,
5. The name of the owner of the subject property and the names of adjacent landowners, the municipality, and the county.

434.4. Minimum Lot Area - Five (5) acres;

434.5. Fencing - Operations that have a highwall, as defined herein, fifteen feet (15'), or higher, shall be required to enclose the actual area of mining with a minimum eight foot (8') high chain link fence and like latching gates. Operations with no highwalls, or highwalls of less than fifteen feet (15') high, shall be required to enclose the area of mining with a minimum forty-seven inches (47") high minimum 11 gauge woven wire fence that has openings no larger than six inches (6") in any direction and has posts at intervals of no more than ten feet (10'). All woven wire fences shall be equipped with latching minimum six (6) bar tube or panel gates, at vehicular access points;

All gates shall be latched at times when the site is unattended. The Township will accept departures from the above-described fence/gate specifications, only if the applicant can demonstrate that the proposed fence/gate will achieve an equal or higher level of protection;

Along all fences, the applicant will be required to post and maintain "No Trespassing" and/or "Danger" signs at intervals of no less than one (1) sign per each hundred (100) lineal feet of fence/gate. Such signs shall be no larger than two (2) square feet per sign and shall not be posted higher than five feet (5') above grade. All fences/gates shall be maintained in good condition and shall not be allowed to become deteriorated or unsightly;

There shall be no advertising placed upon the fencing/gate, except as may be permitted in Section 314 of this Ordinance;

434.6. Setback - The following table identifies minimum setbacks imposed upon specific features of the mining and/or processing uses from adjoining and/or nearby uses;

Mining-Related Feature	Any Occupied Building that is not part of the Mining and/or Processing Site	R, R-1, R-2, MHP & MU Zones	Adjoining Road	Public/ Nonprofit Park	Cemetery or Stream Bank	Adjoining Property
stock piles or spoil pipes	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
mineral processing equipment (e.g., crushers, sorters, conveyors, dryers, etc.)	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
open mine pit and highwall	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
on-site access roads and off-street parking, loading and vehicle storage and weighing facilities	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
other operational equipment, structures and/or improvements	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.

434.7. Access - Vehicular access shall be provided in accordance with Section 310 of this Ordinance. All access drives serving the site shall have a paved, minimum thirty-five foot (35') wide, cartway for a distance of at least one hundred feet (100') from the intersecting street right-of-way line. In addition, a fifty foot (50') long gravel section of driveway drive shall be placed just beyond the preceding one hundred

foot (100') paved section to help collect any mud that may have attached to a vehicle's wheels;

434.8. Reclamation - The applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania Act No. 1984-219, as may be amended. The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be necessary to accommodate the proposed use. A planting plan shall also be required for areas of the reclaimed site that are not to be underwater. Such plan shall demonstrate the covering of the site with sufficient arable soil that can stabilize the site with a vegetative ground cover that prevents excessive soil erosion and will support a mix of indigenous vegetation. Finally, the applicant shall provide written notification to the Township within thirty (30) days, whenever a change in the reclamation plan is proposed to the PA DEP;

434.9. Screening and Landscaping – All uses shall be screened from adjoining roads and properties. Such screening shall be comprised of an earthen berm at least ten feet (10') in height. Such berm shall be located on the subject property and placed so as to maximize the berm's ability to absorb and/or block views of, and the noise, dust, smoke, etc. generated by, the proposed use. The berm shall be completely covered and maintained in an approved vegetative ground cover. Along any adjoining property line and road shall be located a ten foot (10') wide landscape screen. Such landscape screen shall consist of evergreen shrubs and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of deciduous and evergreen trees of not less than five feet (5') in height at the time of planting, that shall be planted at intervals of not more than ten feet (10'). The low-level screen shall consist of evergreen trees and shrubs of not less than three feet (3') in height at the time of planting, that shall be planted at intervals of not more than five feet (5'). The landscape screen shall be located outside of the fence required by Section 434.5. of this Ordinance and must be permanently maintained;

434.10. Operations Progress Report - Within ninety (90) days after commencement of mining operations, and during the first thirty (30) days of each calendar year thereafter, the operator shall file an operations progress report with the Zoning Officer, setting forth all of the following:

1. The name or number of the operation;
2. The location of the operation with reference to the nearest public road;
3. A description of the subject property or properties, including a site plan showing the location of all improvements, stockpile, 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 mineral produced;
6. The current status of the reclamation work performed in pursuance of the approved reclamation plan;
7. A maintenance report for the site that verifies that all required fencing, signage, and berming has been specifically inspected for needed repairs and/or maintenance, and that such needed repairs and/or maintenance has been performed; and,

8. Verification that the proposed use continues to comply with all applicable State and Township regulations and any conditions imposed at the time of approval. The operation shall furnish copies of any approved permits and/or any notices of violation issued by the PA DEP;
- 434.11. Water Restoration - In accordance with Section 11.(g) of the PA Noncoal Surface Mining and Conservation and Reclamation Act, any mining/processing operation that affects a public or private water supply due to contamination, interruption, or diminution shall restore or replace the affected water supply with an alternate source of water adequate in quantity and quality for the purposes served by the affected supply; and,
- 434.12. Maximum Permitted Height - No piling of spoiled materials and/or waste materials shall exceed a height of fifty feet (50') above the natural unexcavated grade. Such pilings must be periodically and sufficiently covered with earth and the seed of a year-round ground cover in order to achieve a stable condition.

Section 435 Nightclubs

- 435.1. Within the (C) Zone, nightclubs are permitted by conditional use, subject to the following criteria:
- 435.2. No part of the subject property shall be located within six hundred feet (600') of any land within the (R, R-1, R-2, MHP and MU) Zones;
- 435.3. 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;
- 435.4. 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; and,
- 435.5. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

Section 436 Nursery and Garden Centers

- 436.1. Within the (A) Zone, retail sales of nursery and garden materials are permitted by special exception, subject to the following criteria:
- 436.2. All greenhouses and nurseries shall have vehicular access to an arterial or collector road;
- 436.3. The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall not exceed twenty-five percent (25%) of the total gross display and sales area on the subject property. The display, sale or repair of motorized nursery or garden equipment shall not be permitted;
- 436.4. All outdoor display areas shall be set back at least twenty-five (25) feet from the street right-of-way line;
- 436.5. All improvements (including parking and loading facilities, but not including a free-standing sign) shall be screened from adjoining land within the R-1, R-2, MHP and MU Zones; and,

- 436.6. One (1) freestanding or attached sign may be permitted advertising the business. Such sign shall not exceed twelve (12) square feet in size and must be set back at least ten (10) feet from all lot lines.

Section 437 Nursing, Rest or Retirement Homes

- 437.1. Within the (R-2) Zone, nursing, rest or retirement homes are permitted by special exception and within the (MU) Zone, nursing, rest or retirement homes are permitted by special conditional use, subject to the following criteria:
- 437.2. Within the (R-2) Zone, the site shall contain at least two (2) acres;
- 435.3. Within the (R-2) Zone, all parking areas shall be set back a minimum of twenty-five feet (25') from all property lines, and within the (MU) Zone all parking areas shall be setback a minimum of ten feet (10') from all side or rear property lines. Within the (MU) Zone, no off-street parking, nor off-street loading shall be permitted within the front yard. All off-street parking and/or loading areas shall be screened from adjoining lots and streets;
- 437.4. A nursing, rest or retirement home may erect one (1) sign no larger than twelve (12) square feet in size, which must be set back ten feet (10') from all lot lines;
- 437.5. The applicant shall furnish evidence that an approved means of water supply and public sewers shall be utilized;
- 437.6. At least ten percent (10%) of required parking spaces shall be designed for handicapped persons; and,
- 437.7. No more than twenty-seven (27) care beds per acre shall be permitted.
- 437.8. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 438 Offices;

- 438.1. Within the (MU) Zone, offices are permitted by conditional use, subject to the following criteria:
- 438.2. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 439 Off-Track Betting Parlors and/or Slot Machine Parlors

- 439.1. Within the (I) Zone, off-track betting parlors and/or slot machine parlors are permitted by conditional use, subject to the following criteria:

- 439.2. An off-track betting and/or slot machine parlor shall not be permitted to be located within one thousand feet (1,000') of any other off-track betting parlor;
- 439.3. No off-track betting and/or slot machine parlor shall be located within one thousand feet (1,000') of any land within the (R, R-1, R-2, MHP and MU) Zones;
- 439.4. 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; or
 10. Other lands where minors congregate;
- 439.5. The above-required distances shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each land use;
- 439.6. No more than one (1) off-track betting parlor may be located within one building or shopping center;
- 439.7. 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;
- 439.8. 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;
- 439.9. A working plan for the cleanup of litter shall be furnished and implemented by the applicant;
- 439.10. 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; and,
- 439.11. All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Nonprimary Locations, as defined therein and slot machine parlors shall be licensed by the Pennsylvania Gaming Control Board.

Section 440 Personal services including: barber and beauty or tanning salons; dry cleaning and laundry pick-up/drop-off facilities; music, art of photographic studios and repair of clocks and small appliances

- 440.1. Within the (MU) Zone, personal services including: barber and beauty or tanning salons; dry cleaning and laundry pick-up/drop-off facilities; music, art of photographic studios and repair of clocks and small appliances are permitted by

conditional use, subject to the following criteria:

- 440.2. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 441 Principal Waste Handling Facilities

- 441.1. Within the (I) Zone, principal waste handling facilities are permitted by conditional use, subject to the following criteria:
- 441.2. All principal waste handling facilities for “municipal and residual wastes,” as defined by the PA DEP, shall be under the control of the Solid Waste Authority of Cumberland County;
- 441.3. Any processing and/or treatment of waste (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building;
- 441.4. No waste shall be deposited, stored or disposed of, and no building or structure shall be located, within two hundred feet (200') of any property line, and five hundred feet (500') of any land within a (R, R-1, R-2, MHP or MU) Zone;
- 441.5. Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by an eight foot (8') high fence, with no openings greater than two inches (2") in any direction;
- 441.6. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations;
- 441.7. The use shall be screened from all land within a (R, R-1, R-2, MHP or MU) Zone;
- 441.8. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed and/or unloaded will not back-up onto public roads;
- 441.9. 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;
- 441.10. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations;
- 441.11. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township;
- 441.12. The unloading, processing, treatment, transfer, and disposal of waste shall be continuously supervised by a qualified facility operator;

- 441.13. Any waste that is to be recycled shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely-enclosed building;
- 441.14. All storage of waste shall be indoors in a manner that is leak- and vector- proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours;
- 441.15. A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township;
- 441.16. Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment shall be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations;
- 441.17. All structures shall be set back at least a distance equal to their height;
- 441.18. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.

A water feasibility study shall include the following information:

- calculations of the projected water needs;
- a geologic map of the area with a radius of at least one mile from the site;
- the location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;
- the location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
- the location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution;
- based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
- a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table; and,
- a statement of the qualifications and the signature(s) of the person(s) preparing the study;

- 441.19. The applicant shall provide a qualified traffic analysis, as described in Section 320 of this Ordinance;
- 441.20. A minimum one hundred foot (100') wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip;
- 441.21. The applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill of waste materials during transport to and from the site, and potential hazards regarding firefighting of waste materials upon the site; and,
- 441.22. No principal waste handling facility shall be located within one (1) mile of another, as measured in a straight line between closest property lines.

Section 442 Recycling Facilities for Paper, Plastic, Glass, and Metal Products

- 442.1. Within the (I) Zone, recycling of paper, glass and metal products is permitted by conditional use, subject to the following criteria:
- 442.2. All operations, including collection shall be conducted within a completely-enclosed building;
- 442.3. There shall be no outdoor storage of materials processed, used or generated by the operation;
- 442.4. The applicant shall explain the scope of operation, and offer expert testimony regarding the measures used to mitigate problems associated with noise, fumes, dust, and litter; and,
- 442.5. The applicant shall be required to submit a written working plan to assure regular maintenance of the site to immediately collect stray debris and litter.

Section 443 Restaurants (not including Drive-Thru or Fast-Food Restaurants)

- 443.1. Within the (MU) Zone, restaurants (not including drive-thru or fast-food restaurants) are permitted by conditional use, subject to the following criteria:
- 443.2. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 444 Retail Sale of Goods

- 444.1. Within the (MU) Zone, retail sale of goods provided the total sales and/or display area is less than one thousand, two hundred (1,200) square feet is permitted by conditional use, subject to the following criteria:
- 444.2. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the

applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 445 Septage and Compost Processing

- 445.1. Within the (A) Zones, septage and compost processing are permitted by conditional use, subject to the following criteria:
- 445.2. Any processing, loading, storage, and packaging operations must be conducted within a completely enclosed building that is leak- and vector-proof;
- 445.3. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations;
- 445.4. The use shall be screened from all roads and adjoining properties;
- 445.5. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back up onto public roads;
- 445.6. All driveways onto the site must be paved for a distance of at least one hundred feet (100') from the street right-of-way line. In addition, a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding one hundred foot (100') paved section to help collect any mud that may have attached to a vehicle's wheels;
- 445.7. The unloading, processing and transfer, of septage and compost shall be continuously supervised by a qualified facility operator;
- 445.8. Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the PA DEP regulations;
- 445.9. The applicant shall submit an analysis of raw water needs (groundwater or surface-water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed;

In addition, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer;

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed development shall not be approved by the municipality.

A water feasibility study shall include the following information:

- calculations of the projected water needs;
- a geologic map of the area with a radius of at least one mile from the site;

- the location of all existing and proposed wells within one thousand feet (1,000') of the site and all known point sources of pollution;
 - based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 - a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table; and,
 - a statement of the qualifications and the signature(s) of the person(s) preparing the study;
- 445.10. A minimum one hundred foot (100') wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. Any fences or other screening erected on the site must not be located within this buffer strip;
- 445.11. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movement on the existing road; and,
- 445.12. Any structure used for the storage, loading, processing and/or packaging of compost shall be set back at least three hundred feet (300') from all property lines, and five hundred feet (500') from any land within the (R, R-1, R-2, MHP or MU) Zones. In addition, any ventilation outlets must be oriented away from any land within the (R, R-1, R-2, MHP or MU) Zones.

Section 446 Shooting Ranges

- 446.1. Within the (A) Zone, shooting ranges are permitted by conditional use, subject to the following criteria:
- 446.2. Shooting Range Operations:
1. Must comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm;
 2. The storage and handling of ammunition shall comply with the National Fire Code and any other applicable federal and/or state regulation; and,
 3. Shall comply with all applicable PA Liquor Control Board usage, sales and licensing requirements.
- 441.3. The applicant shall provide evidence that the shooting range shall be designed and constructed according to applicable requirements of the PA Department of Labor and Industry;
- 441.4. The applicant must submit qualified expert evidence that all shooting range facilities shall be designed, constructed and operated in compliance with one of the following:
- The National Rifle Association Range Source Book, Current Edition, or
 - The National Sports Shooting Federation's Environmental Aspects of Construction and Management of Outdoor Shooting Ranges.
- 446.5. Off-street parking facilities shall be provided with a ratio of one and one-half (1½) spaces per firing station, but not less than one (1) space for each four (4) seats.

Section 447 Shopping Centers

- 447.1. Within the (C) Zone, shopping centers are permitted by conditional use, subject to the following:
- 447.2. Only one access drive shall be permitted per road frontage of the entire shopping center site, regardless of the number of lots within the shopping center site. Access drives shall be set back at least 200 feet from the intersection of any street right-of-way lines along the same side of the street and at least 100 feet from any side and/or rear property line;
- 447.3. Both public sewer and public water utilities shall be required;
- 447.4. The following tabulates required off-street parking and loading, and interior landscaping standards for shopping centers:

Use	Minimum Required Off-Street Parking Spaces Per 1,000 Sq. Ft. of Gross Leasable Floor Area	Minimum Required Interior Landscaping As Described in Section 311.15.2. of this Ordinance	Minimum Required Off-Street Loading Spaces
Shopping center, as defined herein, with up to 150,000 square feet of gross floor area.	5.0*	5%	1 per 25,000 square feet, or fraction thereof, of gross floor area
Shopping center, as defined herein, with over 150,000 square feet of gross floor area.	5.0*	10% of any off-street parking lot that is constructed at grade and is open to the sky above.	6 plus 1 per 100,000 square feet, or fraction thereof, of gross floor area over 150,000 square feet
* At least two percent (2%) of the required off-street parking spaces shall be designed and designated for park-and-ride use.			

- 447.5. In addition to vehicular access to the property, the applicant shall be required to design and construct pedestrian linkages with any nearby residentially-zoned areas, and industrially-zoned areas, even if they are not yet developed. Such pedestrian linkages shall be located so as to provide safe and convenient access to the shopping center from the nearby areas;
- 447.6. Any shopping center must provide an improved bus stop which would be conveniently accessible for patrons who would travel to and from the site by bus. Such bus stop must be provided, even if current bus service is unavailable along the subject property. Such bus stop shall include a shelter, seating, a waste receptacle, and at least one shade tree;
- 447.7. A traffic impact report shall be submitted by the applicant, in accordance with Section 320 of this Ordinance;
- 447.9. The proposed shopping center design shall comply with the applicable design and sign regulations contained within the following tables:

SHOPPING CENTER DESIGN REQUIREMENTS

Use	Minimum Required Lot Area	Minimum Required Lot Width	Minimum Required Lot Depth	Required Minimum Yard Setbacks				Minimum Required Setback from Residential District	Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
				Front, as Measured from Street R.O.W.	One Side	Both Sides	Rear			
Shopping center, as defined herein, with up to 50,000 square feet of gross floor area.	2 acres	250 ft. at the building setback line & street line	250 ft.	35 ft. for buildings & structures (except permitted signs); 20 ft. for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.	25 ft. for buildings & structures (except permitted signs); 15 ft. for off-street parking & loading spaces & dumpsters	50 ft. for buildings & structures (except permitted signs); 30 ft. for off-street parking & loading spaces & dumpsters	25 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	50 ft. for buildings, structures, off-street parking & loading spaces & dumpsters	65%	35 ft.
Shopping center, as defined herein, with between 50,000 & 150,000 square feet of gross floor area.	6 acres	300 ft. at the building setback line & street line	500 ft.	50 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.	30 ft. for buildings & structures (except permitted signs); 20 ft. for off-street parking & loading spaces & dumpsters	60 ft. for buildings & structures (except permitted signs); 40 ft. for off-street parking & loading spaces & dumpsters	30 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	75 ft. for buildings, structures, off-street loading, dumpsters; 50 ft. for off-street parking	60%	35 ft.
Shopping center, as defined herein, with over 150,000 square feet of gross floor area; however, in no case shall any one unit of occupancy contain more than 100,000 square feet of gross floor area. See Note A below.	10 acres	500 ft. at the building setback line & street line	750 ft.	100 ft. for buildings & structures (except permitted signs); off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.	50 ft. for buildings & structures (except permitted signs); off-street parking & loading spaces & dumpsters	100 ft. for buildings & structures (except permitted signs); off-street parking & loading spaces & dumpsters	50 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	100 ft. for buildings, structures, off-street loading & dumpsters; 50 ft. for off-street parking	70%	40 ft. See Note A below:

Note A - Shopping centers with more than one hundred fifty thousand (150,000) square feet, of gross floor area shall be required to comply with the following requirements:

1. No less than forty percent (40%) of gross floor area shall be located either above, below or both, the ground level floor of the use (i.e. 2 stories minimum); and,
2. At least forty percent (40%) of the off-street parking provided for the proposed use shall be located either above, below or both, the ground level parking lot of the proposed use (i.e. 2 stories minimum).

SHOPPING CENTER SIGN REQUIREMENTS					
Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Other Requirements	Zoning Permit Required
Freestanding shopping center sign	1 per street frontage with entrance or exit	1 sq. ft. for each 4 lineal feet of frontage within the shopping center, with a maximum of 100 sq. ft.	20 ft.	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the shopping center's name.	Yes
Anchor tenant sign for one use containing more than 150 lineal feet of storefront.	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 ft. from facing street, then sign can be up to a maximum of 100 sq. ft. If sign is more than 300 ft. from facing street, then sign can be up to a maximum of 150 sq. ft.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes
Storefront sign for one use containing up to 150 lineal feet of storefront.	1 per principal use	2 sq. ft. per lineal foot of storefront up to a maximum of 75 sq. ft.	Height of wall to which sign is attached.	This sign shall only be provided as a flat wall or a wall projecting sign.	Yes
Storefront under-canopy signs for all principal uses.	1 per use with less than 150 lineal feet of storefront. 2 per use with more than 150 lineal feet of storefront.	4 sq. ft.	To base of canopy, or where no canopy is provided, 10 ft.	No under-canopy sign shall have a vertical dimension of more than 18 in. from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 ft., 6 in. above the finished grade below such sign.	Yes
Outparcel signs for principal freestanding uses sharing common ingress and egress to shopping center.	2 per principal use, but only 1 per wall	75 sq. ft. per sign, not exceeding 20% of wall area to which sign is attached.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes

Section 448 Slaughtering, Processing, Rendering, and Packaging of Food Products and Their By-Products

- 448.1. Within the (I) Zone, slaughtering, processing, rendering, and packaging of food products and their by-products are permitted by conditional use, subject to the following criteria:
- 448.2. Minimum Lot Area - Five (5) acres;
- 448.3. The subject site shall have access to a major collector or arterial road;
- 448.4. 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;
- 448.5. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard;
- 448.6. 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;
- 448.7. All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line;
- 448.8. The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals;
- 448.9. 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;
- 448.10. The loading and unloading of trucks shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.;
- 448.11. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred feet (200') of any property line nor five hundred feet (500') of any land within a residential zone;
- 448.12. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty foot (50') wide landscape strip;
- 448.13. The applicant shall furnish written evidence that PA DEP-approved systems for wastewater disposal and water supply will be utilized;
- 448.14. Sewer and water lines shall not meet within or beneath the plant, and shall further be designed and installed to minimize the potential for leakage and contamination by maximizing the separation distance between lines and laying sewer lines at greater depth than water lines;
- 448.15. Wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations;

- 448.16. Where on-site water is proposed to be used, a professional test of water potability shall be required, as well as a retesting every six months thereafter, the results of which shall be regularly submitted to the USDA;
- 448.17. Aquifer Testing - Prior to the installation of an on-site well, an aquifer test shall be performed which shall be the basis for a governing body determination on the appropriateness of the use of groundwater for the proposed use. The aquifer test shall be conducted under the supervision of a qualified geologist or professional engineer, using testing procedures set forth herein. The geologist or engineer shall be responsible for notifying the Township five (5) working days prior to the start of the test. Two (2) observation wells which have hydraulic continuity with the pumped well are required. Data shall be collected and evaluated as follows:
1. Prior to the test:
 - A. Collection of geologic data of the area to be tested, including well logs, if available;
 - B. History of water level fluctuations in the area when available;
 - C. The location, relative elevations and static water levels in the pumped well and the observation well or wells; and,
 - D. The expected discharge of the pumped well;
 2. During the test:
 - A. A well water yield test shall be conducted for a minimum of twelve (12) hours at a fixed rate of water removal of the quantity of water per minute projected to be required by the proposed use. It is recommended, but not required, that a pump be installed to measure well water yield, because of its greater accuracy over bailing methods. Well water yield shall not be measured until 24–48 hours after drilling and any installation of a pump, to allow the water level to recover and to ensure greater accuracy in reported well water yields. A data sheet shall be prepared showing the following for the pumped well:
 - A. The date;
 - B. Clock time;
 - C. Elapsed time since water removal started/stopped;
 - D. Depth to water below land surface before and after water removal;
 - E. Drawdown or recovery in feet and inches; and,
 - F. Specific capacity of the well;
 - B. The well shall be shown to be capable of supplying potable water at a minimum sustainable rate of that projected to be needed by the proposed use, either with or without the use of a storage system;
 3. Following the test:
 - A. In accordance with recognized principles of well hydraulics, the geologist or engineer shall prepare graphs to show time drawdown and time recovery for the pumped well and the observation wells. A distance drawdown graph will be required for anticipated rates of pumping. Computation of the coefficients of transmissibility and storage, as well as the rate of pumping, time and drawdown are

required, as well as other data which may be considered necessary to satisfy the test objectives;

- B. The geologist or engineer will summarize the test and its significance and make recommendations as to the suitability of the well for the intended use, considering any history of drought or seasonal low water yields in the area. The final report of the supervising person shall include an opinion as to whether the proposed use of the well will have an impact upon other existing wells in the immediate surrounding area; and,
- C. The Board of Supervisors will evaluate the foregoing data and recommendations and make a determination on the appropriateness of the use of groundwater for the proposed facility, based on the ability of the well to provide a minimum sustainable flow of needed water without adversely impacting existing wells in the area and without foreclosing the option of other water-using industry locating in the vicinity.

- 448.18. 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;
- 448.19. The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations;
- 448.20. 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;
- 448.21. 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;
- 448.22. All access drives shall be designed and constructed in compliance with Section 310 of this Ordinance;
- 448.23. 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; and,
- 448.24. The applicant shall furnish a traffic impact report prepared by a professional traffic engineer, in accordance with Section 320 of this Ordinance.

Section 449 Truck or Motor Freight Terminals

- 449.1. Within the (I) Zone, truck or motor freight terminals are permitted by conditional use, subject to the following criteria:
- 449.2. The applicant shall be required to submit qualified expert evidence of the methods

that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. - Terminals not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24 hour period), will furnish West Pennsboro Board of Supervisors a plan within 60 days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Ordinance. -Upon approval of conditional use terminal owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every 200 feet around the perimeter of the property and at a distance of 75 feet from the terminal building.

- 449.3. Any use where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.
- 449.4. 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;
- 449.5. 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 arterial roads;
- 449.6. All access drives shall be designed and constructed in compliance with Section 310 of this Ordinance;
- 449.7. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township;
- 449.8. The applicant shall furnish a traffic impact report prepared by a professional traffic engineer, in accordance with Section 320 of this Ordinance.

Section 450 Truck Stops, Truck Transfer Facilities and Truck Refueling Facilities

- 450.1. Within the (I) Zone, truck stops, truck transfer facilities and truck refueling facilities are each permitted by conditional use, subject to the following criteria:
- 450.2. The applicant shall be required to submit qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. - Terminals not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24 hour period), will furnish West

Pennsboro Board of Supervisors a plan within 60 days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Ordinance. -Upon approval of conditional use terminal owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every 200 feet around the perimeter of the property and at a distance of 75 feet from the terminal building.

- 450.3. Any use where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.
- 450.4. 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;
- 450.5. 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 arterial roads;
- 450.6. All access drives shall be designed and constructed in compliance with Section 310 of this Ordinance;
- 450.7. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township;
- 450.8. The applicant shall furnish a traffic impact report prepared by a professional traffic engineer, in accordance with Section 320 of this Ordinance.
- 450.9. The subject property shall have a minimum of three hundred feet (300') of road frontage along an arterial and/or collector road as listed in Section 321 of this Ordinance;
- 450.10. The subject property shall be located no closer than five hundred feet (500') from any (R-1, R-2, MHP and/or MU) Zoning District and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 450.11. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line. Unless the fuel pump islands are set back two hundred feet (200') from the street line, they shall be designed so that, when fueling, trucks must be parallel to street;
- 450.12. Access driveways shall be a minimum of twenty-eight feet (28'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
- 450.13. Off-street parking shall be provided at a rate equal to that required for each of the respective uses comprising the use stop according to the schedule contained within Section 311.19. of this Ordinance. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle back-ups onto adjoining roads during peak arrival periods;

- 450.14. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties;
- 450.15. The outdoor storage of unlicensed and/or uninspected vehicles is prohibited;
- 450.16. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival;
- 450.17. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system and any other use of the property will not violate Section 318.1. of this Ordinance;
- 450.18. The applicant shall demonstrate compliance with Section 318.2. of this Ordinance; and,
- 450.19. 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.

Section 451 Two-Family Conversions

- 451.1. Within the (MU) Zone, two-family conversions are permitted by conditional use, subject to the following criteria:
- 451.2. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
- 451.3. No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- 451.4. All floors above and below grade shall have a permanently affixed direct means of escape to ground level;
- 451.5. Four (4) off-street parking spaces shall be provided;
- 450.6. The applicant shall obtain any required land development approvals; and,
- 451.7. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 452 Veterinary Offices and Animal Hospitals

- 452.1. Within the (A and R) Zones, veterinary offices and animal hospitals are permitted by special exception, and within the (MU) Zone, veterinary offices and animal hospitals are permitted by conditional use, subject to the following criteria:
- 452.2. Within the (MU) Zone, no outdoor keeping or running of animals is permitted. Within the (A and R) Zones, all animal boarding buildings that are not completely enclosed, and any outdoor animal pens, stalls, or runways shall be a minimum of

one hundred feet (100') from all property lines;

- 452.3. The applicant shall furnish evidence of an effective means of animal waste collection and disposal which shall be continuously implemented;
- 452.4. All improvements (including parking and loading facilities, but not including a free-standing sign) shall be screened from adjoining roads and land within the R, R-1, R-2, MHP and MU Zones; and,
- 452.5. Within the (A and R) Zones, one (1) freestanding or attached sign may be permitted advertising the business. Such sign shall not exceed thirty-two (32) square feet in size and must be set back at least ten (10) feet from all lot lines. Within the (MU) Zone, one (1) freestanding or attached sign may be permitted advertising the business. Such sign shall not exceed twelve (12) square feet in size and must be set back at least ten (10) feet from all lot lines;
- 452.2. Within the (MU) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 210.19. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible and/or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

Section 453 Warehousing and Wholesale Trade Establishments

- 453.1. Within the (I) Zone, warehousing and wholesale trade establishments are permitted by conditional use, subject to the following criteria:
- 453.2. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - 1. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 - 2. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size;
 - 3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Section 318 of this Ordinance; and,
 - 4. A traffic impact report prepared by a professional traffic engineer, according to Section 320 of this Ordinance.
- 453.2. The applicant shall be required to submit qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection

Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. - Terminals not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24 hour period), will furnish West Pennsboro Board of Supervisors a plan within 60 days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Ordinance. -Upon approval of conditional use terminal owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every 200 feet around the perimeter of the warehouse and at a distance of 75 feet from the terminal building.

- 453.3. Any terminal where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.
- 453.4. 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;
- 453.5. 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 arterial roads; and,
- 453.6. All access drives shall be designed and constructed in compliance with Section 310 of this Ordinance;

Section 454 Wholesale Produce Auctions

- 454.1. Within the (I) Zone, wholesale produce auctions are permitted by conditional use, subject to the following criteria:
- 454.2. No part of the subject property shall be within two hundred feet (200') of any land within the (R, R-1, R-2, MHP and MU) Zones;
- 454.3. All access drives onto the site shall be paved for a distance for at least two hundred feet (200') from the street right-of-way line. In addition, a fifty foot (50') long gravel section of driveway should 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;
- 454.4. The owner and/or operator of the produce auction shall be responsible for removing any mud from public roads caused by persons traveling to and from the auction;
- 454.5. The application shall be required to provide sufficient off-street parking and loading so as not to require such parking or loading on or along any road, nor upon adjoining property. If, at any time after the opening of the facility, the Supervisors determine that parking, loading or traffic backups are occurring on adjoining roads, and such are directly related to the lack of on-site facilities on the subject property, the Supervisors can require the applicant to revise and/or provide additional on-site

parking and/or loading space. In addition, the Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. 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;

- 454.6. 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;
- 454.7. The proposed use shall front along an arterial road;
- 454.8. Soil erosion, sedimentation and storm water runoff shall be controlled in accordance with all applicable laws and regulations; and,
- 454.9. The applicant shall submit and continuously implement a working plan for the cleanup of litter and other debris.

Article 5

Nonconformities

Section 500 Continuation

Except as otherwise provided in this section, or Sections 314.4., 508 and 509 of this Ordinance, any use, building, or structure lawfully existing at the time of enactment of this Ordinance may be continued, although it is not in conformity with the regulations specified by this Ordinance.

Section 501 Abandonment

If a nonconforming use of land or of a building or structure ceases or is discontinued for a continuous period of one (1) year, or more, subsequent use of such building, structure, or land shall be in conformity with the provisions of this Ordinance.

Section 502 Extension of a Nonconforming Use of Land

Any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Ordinance, but such extension shall conform to area and lot regulations and the design standards of this Ordinance and to the percentage limitation as set forth in Section 503.1.2. of this Ordinance. The extension of a nonconforming use on a lot shall be limited to the lot which was in existence on the effective date of this Ordinance.

Section 503 Expansion or Alteration

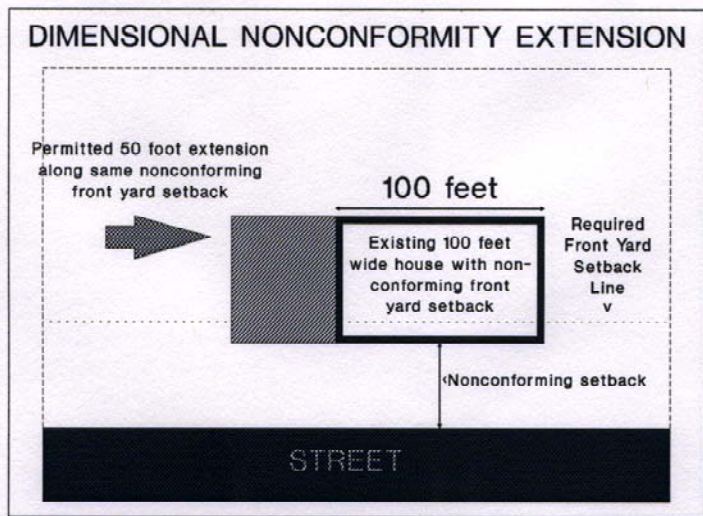
503.1. Any nonconforming use may be expanded or altered through the obtainment of a special exception and subject to the following criteria, and those contained in Section 604.3:

1. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity;
2. The total of all such expansions or alterations of use shall not exceed an additional fifty percent (50%) of the area of those buildings or structures or land devoted to the nonconforming use as they existed on the date on which the use of such buildings, structures or land first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created;
3. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance;
4. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located;

5. Appearance should be harmonious with surrounding properties; this feature includes but is not limited to landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces;
6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces;
7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities;
8. No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this Ordinance shall be permitted in the Floodplain Overlay Zone;
9. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Floodplain Overlay Zone shall be permitted when either elevated above the base flood elevation or floodproofed. In no case, shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies; and,

503.2.

Any dimensional non-conformity may be reduced as a permitted use, even if the reduction does not entirely eliminate the dimensional nonconformity. Furthermore, any structure that has one or more nonconforming setbacks may be extended along



the same nonconforming setback(s) line, up to a maximum of fifty percent (50%), or one hundred feet (100'), whichever is less, of the area of the building that follows the setback when it was originally made nonconforming; the diagram above illustrates this regulation. Nothing within this section shall be interpreted to allow an increase in any dimensional nonconformity.

Section 504 Substitution or Replacement

504.1.

A nonconforming use may be replaced or substituted by another nonconforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with the surrounding area, than the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to maintain or improve compatibility within its surroundings.

- 504.2. If a non-conforming use is proposed to be replaced with a conforming use that cannot meet certain design standards (such as area, coverage, setbacks, etc.), the Zoning Hearing Board may grant a special exception to permit such non-conforming aspects of the conforming use, if the Board determines that the proposed use is at least equally compatible with the surrounding area, than the original nonconforming use. The Zoning Hearing Board may attach reasonable conditions to the special exception to maintain or improve compatibility within its surroundings.

Section 505 Restoration

Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause may be reconstructed in the same location, provided that:

- 505.1. The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure and such reconstructed building or structure shall not increase any dimensional nonconformities; and,
- 505.2. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

Section 506 Previously Expanded Nonconforming Uses and Structures

It is the express intent and purpose of this Ordinance that if a building, structure, sign or land was expanded or extended to the limits of expansion for a nonconforming building, structure, sign, or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign, or land shall be authorized. In the event a nonconforming building, structure, sign, or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or ordinance, additional expansion if permitted by this Ordinance, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

Section 507 Nonconforming Lots

Subject to the provisions of Section 508(4) of the Act, the following shall apply:

- 507.1. In any zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected on any single lot, as defined in this Ordinance, existing in single and separate ownership on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zone in which the lot is located. All setback and lot coverage requirements shall be met; and,
- 507.2. If a lot consists of two or more lots of record or combinations of lots or portions of lots of record held in single and separate ownership on the effective date of this Ordinance, such lots of record shall not be separately transferred or developed, unless the lot so transferred or developed (whether consisting of one or more lots of record) and the lot retained by the transferor (whether consisting of one or more lots of record) shall meet all requirements of the zone in which the lot or lots are located. It is the intention of this provision that no portion of any lot consisting of two

or more lots of record shall be used or sold in a manner which does not comply with all requirements established by this Ordinance or which shall result in the creation of a lot with a lot width, lot area or yard setback below the minimum requirements or with lot coverage in excess of the maximum requirements stated in this Ordinance.

Section 508 Amortization of Nonconforming Signs

Any sign that was legally existing as of the effective date of this Ordinance that does not comply with the provisions listed in Section 314 of this Ordinance, shall be considered a nonconforming sign. All nonconforming signs may continue for a period up to five (5) years from the effective date of this Ordinance. After the five (5) year continuance period, all nonconforming signs shall be removed, reconstructed and/or altered so that they comply with all of the provisions contained within Section 314 of this Ordinance. Any improvements, repairs, reconstructions, or any other alterations made to the nonconforming sign during the five (5) year continuance period shall not waive the requirements for elimination of the nonconforming signs at the end of the continuance period. This section shall not apply to any legally-existing nonconforming billboards.

Section 509 Amortization of the Nonconforming Storage of Junk on Residential Properties

Any external storage of junk (as defined herein) upon a property used as a principal residence that was legally existing as of the effective date of this Ordinance, shall be considered nonconforming. All such storage may continue for a period of up to twelve (12) months from the effective date of this Ordinance. After the twelve (12) month period, all such storage shall be removed. Failure to remove such junk shall constitute a zoning violation. Any improvement, repair, reconstruction, or any other alteration made to the area used to store junk during the twelve (12) month period shall not waive the requirements for elimination of the use.

Section 510 Special Exceptions & Conditional Uses are not Nonconforming Uses

Any use that is permitted as a special exception or conditional use in a Zone under the terms of this Ordinance (other than an alteration, expansion or substitution of a non-conforming use as provided for in this Article) shall not be deemed a non-conforming use in such Zone but shall, without further action, be considered a conforming use.

Article 6

Zoning Hearing Board

Section 600 Establishment and Membership

There shall be a Zoning Hearing Board which shall consist of three (3) members who shall be appointed by resolution by the Board of Supervisors. The membership of the Zoning Hearing Board shall consist of residents of the Township. 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 the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township. 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 Board of Supervisors taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The Board of Supervisors 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 board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 601, 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 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 the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated pursuant to Section 602, unless designated as a voting alternate member pursuant to Section 601 of this Ordinance.

Section 601 Organization of Zoning Hearing Board

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Section 603. 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 the Township and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

Section 602 Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, 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 Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 601, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

Section 603 Hearings

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

1. Public notice (as defined herein) shall be provided. In addition, upon acceptance of an application by the Zoning Officer, the Township shall notify by mail the Zoning Officer, Township Secretary, each member of the Board of Supervisors, Secretary of the Township 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;
2. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs; and,
3. The first hearing before the Zoning Hearing Board or its hearing officer shall be commenced within sixty (60) days from the date of the 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 its hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to be the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete 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 his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- 603.2. The hearings shall be conducted by the Board or the 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 Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final;
- 603.3. The parties to the hearing shall be the Township, 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;
- 603.4. 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;
- 603.5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
- 603.6. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- 603.7. 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;
- 603.8. 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 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;
- 603.9. The 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 Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Act or of this Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the 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 Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for substantive challenges to the validity of the Zoning Ordinance filed under Section 916.1. of the Act where the Board fails to render the decision within the period required by this subsection, or fails to commence, conduct, or complete the required hearing as provided in Section 603.1.3. 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 Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner, as provided in Section 603.1. of this Ordinance. If the 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 the decision to a court of competent jurisdiction;

603.10. 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 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,

603.11. Time Limitations on Zoning Hearing Board's Decision:

1. 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;
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 appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board;
3. 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,
4. 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 Sections 603.11.1.–3. 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.

Section 604 Zoning Hearing Board's Functions

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

604.1. **Substantive Challenges to the Validity of the Zoning Ordinance**, except those brought before the Board of Supervisors pursuant to Section 704.6. of this Ordinance.

1. 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:
 - 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 Zoning 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. Public notice of the hearing shall be provided as specified in Section 704.2.B. of this Ordinance;
3. 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,
4. The Zoning Hearing Board, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Zoning Hearing Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;

- 604.2. **Challenges to the Validity of the Zoning Ordinance**, raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the Ordinance;
- 604.3. **Special Exceptions**, as provided for in this Ordinance and subject to all applicable requirements, including, but not limited to:
1. Filing Requirements - In addition to the required zoning permit information (see Section 701), each special exception application shall include the following:
 - A. Names and address of adjoining property owners including properties directly across a public right-of-way;
 - B. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
 - C. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
 2. General Criteria - Each applicant must demonstrate compliance with the following:
 - A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
 - B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
 - C. The proposed use will not substantially change the character of the subject property's neighborhood;
 - D. 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.);
 - E. For development within the Floodplain Overlay Zone, that the application complies with those requirements listed in Section 230.11. of this Ordinance;
 - F. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
 - G. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan;
 3. 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. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 7; and,

4. Site Plan Approval - Any site plan presented in support of the special exception pursuant to Section 604.3.1. 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.

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

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or zone in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant;
4. 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;
5. 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;
6. That variances within the Floodplain Overlay Zone shall comply with Section 230.11. of this Ordinance;
7. 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 and subject to the penalties described in Article 7;
8. Filing Requirements - In addition to the required zoning permit information (see Section 701), each variance application shall include the following:
 - A. Names and addresses of adjoining property owners, including properties directly across a public right-of-way;
 - B. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of

this Ordinance; and,

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

9. 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 shall constitute a violation of this Ordinance and be subject to the penalties described in Article 7; and,

10. 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.

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

604.6. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Overlay Zone;

604.7. 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;

604.8. Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the Act; and,

604.9. 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 Articles V and VII of the Act, respectively.

Section 605 Parties Appellant Before the Zoning Hearing Board

Appeals under Sections 604.5., 604.6., 604.7., 604.8. and 604.9. and proceedings to challenge this Ordinance under Sections 604.1. and 604.2. may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 604.4. and for special exception under Section 604.3. may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

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

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

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

- 605.4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and,
- 605.5. A statement of the section of this Ordinance under which the request may be allowed, and reasons why it should, or should not be granted.

Section 606 Time Limitations

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

The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2. of the Act, 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.

Section 607 Stay of Proceeding

Upon filing of any proceeding referred to in Section 605 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 Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons 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.

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 appellate 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.

Section 608 Appeal

Any person, taxpayer, or the Township 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 Article X-A of the Act as amended.

Article 7

Administration

Section 700 Zoning Officer

The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall be appointed at the first meeting of the Board of Supervisors in January, to serve until the first meeting day of January next following, and shall thereafter be appointed annually to serve for a term of one (1) year and/or until his/her successor is appointed. The Zoning Officer may succeed himself. He/she shall receive such fees or compensation as approved by resolution of the Board of Supervisors. The Zoning Officer shall not hold any elective office within the Township. 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;

700.1. **Duties & Responsibilities** - The duties and the responsibilities of the Zoning Officer shall be:

- A. **Process Applications** - To receive, examine and process all zoning permit and certificate of use applications 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.
- B. **Maintain Official Records** - To maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all Zoning Permits and Certificates of Use and Occupancy issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance, and all amending ordinances, the official Zoning Map, and all other pertinent information. The records of this office shall be available for the use of the Township government and for inspection of any interested party during normal office hours. The Zoning Officer shall at least annually submit to the Board of Supervisors a written statement of all Permits and Certificates of Use and Occupancy issued and violations and stop-work orders recommended or promulgated.
- C. **Inspections** - Before issuing any Zoning Permit or Certificate of Use and Occupancy at his/her discretion, to inspect or cause to be inspected all buildings, structures, signs, or land and portions thereof for which an application has been filed for a Zoning Permit or a Certificate of Use and Occupancy. Thereafter, he/she may make

such inspections during the completion of the work for which a Zoning Permit has been issued. Upon completion of such work and before issuing a Certificate of Use and Occupancy, a final inspection shall be made and all violations of the approved plans or Zoning Permit shall be noted and the holder of the Zoning Permit shall be notified of the discrepancies. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his/her duties. 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.

- D. **Inspect Nonconformities** - Upon the direction of the Board of Supervisors, to inspect nonconforming uses, structures and lots, and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.
- E. **Assist Local Officials** - Upon the request of the Board of Supervisors 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.
- F. **Maintain Up-to-Date Ordinance** - To be responsible for keeping this Ordinance and the Official Zoning Map up-to-date, including any amendments thereto;
- G. **Floodplain Overlay Zone Variance Reporting** - Upon the granting by the Zoning Hearing Board of a variance pertaining to the Floodplain Overlay Zone, the Zoning Officer shall notify the applicant in writing within fifteen (15) days that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance;
 - 2. Such variances may increase the risks to life and property, pursuant to Section 230.11. of this Ordinance.
- H. **Floodplain Overlay Zone Report to DCED** - Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain Overlay Zone, to send written notice of the approval by registered mail to the Pennsylvania Department of Community and Economic Development.
- I. **Biannual Report to FIA** - To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the Program in the Township (the report form shall be provided by the Federal Insurance Administration).
- J. **Preliminary Opinion** - To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act.
- K. **Investigate Complaints** - when in receipt of a signed written

complaint stating fully the cause and basis thereof, to investigate alleged violations of this Ordinance. If a signed, written complaint is received, said investigation shall be completed within fifteen (15) days of said complaint. A written report of all investigations of this Ordinance shall be prepared and filed by the Zoning Officer and a copy sent to the Board of Supervisors. If after the investigation the Zoning Officer determines that a violation has occurred, he/she shall take action as provided for by this Ordinance.

- L. **Prosecute Violations** - to institute civil enforcement proceedings as a means of enforcement when anyone undertakes deliberate actions that are contrary to the terms of the Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses or any other approvals authorized under this Ordinance.

700.2. **Violations** - 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, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses. Each day that a violation is continued shall constitute a separate offense.

700.3. **Enforcement Notice** - If it appears to the Township that a violation of this Zoning Ordinance, has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice, as provided in the following:

- A. 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.
- B. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the Township intends to take action.
 - 2. The location of the property in violation.
 - 3. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the Ordinance.
 - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - 5. 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 under Section 604.5. of this Ordinance.
 - 6. 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.

700.4. **Enforcement Remedies** - Any person, partnership or corporation who, or

which, has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Act, or prior enabling laws, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Zone justice. If the defendant neither pays, nor timely appeals, the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Zone justice, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating the 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 of a violation by the Zone justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township; and,

- 700.5. **Causes of Action** - In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance enacted under the Act, or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his/her property or person will be substantially affected by the alleged violations, in addition to other remedies, 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. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun, by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

Section 701 Zoning Permits

701.1. General Requirements for Zoning Permits:

- A. **Actions Requiring Zoning Permits** - A zoning permit shall be required prior to:
1. a change in use of land or structure,
 2. the erection or construction of a structure (principal or accessory) or portion thereof, but excluding satellite dish antennas that are less than one (1) meter in diameter;
 3. the improvement or alteration of any existing structure (principal or accessory) where such improvement or portion thereof increases the amount of space which the structure encloses;
 4. the alteration or development of any improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation, or drilling operations;

5. the erection or alteration of any signs specified in Section 314 of this Ordinance as requiring a zoning permit;
 6. the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins; and/or,
 7. the conduct of any forestry use as defined herein.
- B. **Permit Exemptions** - 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.
- C. **Form of Application** - Application for zoning permits shall be made in writing to the Zoning Officer. Two (2) copies of the application including a plot plan for a Zoning Permit shall be submitted in such form as the Zoning Officer may prescribe.
- D. **Permit Review Deadline** - Such zoning permits shall be issued or rejected within ninety (90) days from date of application.
- E. **Permit Conformity** - No zoning permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the Courts.
- F. **Permit Burden of Proof** - In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of his/her application. If such evidence is not presented, the zoning permit will be denied.
- G. **Authorization to Apply** - The parcel or parcels shall be in a single and full ownership, or proof of option shall be furnished at the time of application. The full names and addresses of the landowner or developer, and of the responsible officers, if the landowner or developer is a corporate body, shall be stated in the application.
- H. **Permit Referral** - The Zoning Officer may call upon other Township staff and/or Township-appointed consultants in the review of submitted materials for applications.
- I. **Permit Revocation** - 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 on which the permit or approval was based, or for any other cause set forth in the Zoning Ordinance.
- J. **Required Permit Fees** - No permit shall be issued until the fees prescribed by the Board of Township Supervisors approved by resolution shall be paid to the Zoning Officer. The payment of fees under this section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law.
- K. **Issuance / Rejection of Permits** - Upon receipt, the Zoning Officer shall examine the permit application within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local

laws, he/she shall reject such application in writing, stating the reasons therefore. He/she shall inform the applicant of his/her right to appeal to the Zoning Hearing Board under Section 604.5. of this Ordinance, 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, he/she shall issue a permit therefore as soon as practical, but not later than ninety (90) days from receipt of the application.

- L. **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. The Zoning Officer shall not be required to make a new inspection of the application if this condition is not met.
- M. **Expiration of Permit** - The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one (1) year.
- N. **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 through the issuance of an approved variance under Section 604.4. of this Ordinance.
- O. **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.
- P. **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 Use and Occupancy.
- Q. **Availability of Zoning Permit** - The Zoning Officer shall maintain a copy of all active Zoning Permits for inspection.
- R. **Compliance with Applicable State and Federal Requirements** - No Zoning Permit shall be issued unless evidence has been submitted that the applicant has complied with all applicable laws, rules, and regulations of the State and Federal governments.
- S. **Temporary Use Permits** - It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of application, they will:
 - 1. in no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone, and,
 - 2. contribute materially to the welfare of the Township, particularly in a

state of emergency, under conditions peculiar to the time and place involved,

then, the Board of Supervisors may direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months.

701.2.

Application for All Zoning permits

- A. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land, and shall be accompanied by plot plans in duplicate drawn to scale and showing the following as may be applicable to the requested permit:
1. The actual dimensions and shape of the lot to be built-upon;
 2. The exact size and location on the lot of buildings, structures, fences, signs, and areas of land use, existing and/or proposed extensions thereto;
 3. The number of dwelling units or other units of occupancy (eg. commercial, industrial, institutional, agricultural, accessory uses and etc.) if any, to be provided;
 4. The location and proposed surfacing of driveways and access drives and copies of any highway occupancy permits as required by local, county and/or state agencies;
 5. The height of all structures, buildings, and/or signs;
 6. Distances of buildings and structures from lot lines and street right-of-way lines;
 7. Off-street parking and loading areas and access thereto, including grades and proposed surfacing;
 8. Outdoor areas devoted to storage of goods, materials and/or wastes;
 9. Utility systems affected and proposed, including primary and back-up on-lot and/or public sewage disposal and water supply systems;
 10. Alteration or development of any improved or unimproved real estate;
 11. Lot coverage;
 12. Site lighting, including lighting of signs;
 13. Floor area devoted to each proposed use and unit of occupancy for both principal and accessory uses;
 14. Recreation areas;
 15. Screens, buffer yards, landscaping, erosion control filter strips

and streamside buffers;

16. Means of pedestrian access;
 17. Information relating to needed Conservation Plans, Nutrient Management Plans and/or Erosion and Sediment Pollution Control Plans;
 18. Information relating to any zoning approvals obtained from the Zoning Hearing Board or the Board of Supervisors;
 19. Proof of approval from the PA Department of Labor and Industry, when required by such agency;
 20. Copies of any applicable subdivision/land development plan;
 21. Workers Compensation Certificates;
 22. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
- B. If the proposed development, excavation or construction is located within the Floodplain Overlay Zone, the following information is specifically required to accompany all applications:
1. The accurate location 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; and
 3. The elevation, in relation to the NGVD, to which all structures and utilities will be floodproofed or elevated.
- C. Applications involving any excavation or earthmoving shall require submission of one or more of the following:
1. Applications for permits involving agricultural or nonagricultural use where any of the following conditions apply shall require submission of written evidence that the proposed use has a Conservation Plan or an Erosion and Sediment Pollution Control Plan, that meets with the approval of the Cumberland County Conservation District;
 - a. earth disturbance will occur on more than one (1) acre;
 - b. the piping of storm water or the alteration of natural or man-made watercourses occurs;
 - c. the site possesses slopes exceeding ten percent (10%);
 - d. the site contains or abuts a body of water or watercourse; and,
 - e. the site and proposed use or activity presents the potential for sedimentation to nearby bodies of water;

2. Applications for permits that do not involve agricultural uses or activities, and do not involve any of those conditions listed in the above-described Section 701.2.C.1.a.–e., shall require the submission of a signed statement by the applicant that an adequate Erosion and Sediment Pollution Control Plan will be developed, implemented and maintained prior to any excavation or earthmoving on the site.

- D. Applications involving forestry uses shall require the submission of information listed in Section 323.2. of this Ordinance.

701.3.

Application for Zoning Permits for Uses in All Commercial and Industrial Zones – In addition to the preceding requirements for all zoning permits uses proposed within the Commercial and/or Industrial Zones shall provide the following information:

- A. A location plan showing the tract to be developed, Zone boundaries, adjoining tracts, significant natural features, proposed topographic features, and streets for a distance of two hundred (200) feet from all tract boundaries.
- B. 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.
- D. Engineering plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.
- E. Engineering plans for the handling of traffic, noise, light and glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.
- F. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained.
- G. The proposed number of shifts to be worked and the maximum number of employees on each shift.
- H. 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.

Section 702

Certificate of Use and Occupancy

702.1.

When Required - It shall be unlawful to use and/or occupy any structure, building, sign, or land or portion thereof for which a Zoning Permit is required until a Certificate of Use and Occupancy has been issued by the Zoning Officer (or his/her designated agent.) The Zoning Officer (or his/her designated agent) shall not issue such Certificate unless he/she has inspected said structure, building, sign, or land and has determined that all provisions of the Zoning Ordinance and other ordinances of the Township have been satisfied.

702.2.

Form of Application - The application for a Certificate of Use and Occupancy shall be in such form as the Zoning Officer (or his/her designated

agent) may prescribe, and shall be made at the same time as the application for a Zoning Permit is filed with the Zoning Officer (or his/her designated agent.)

702.3. **Description of Use and Occupancy** - The application shall contain a description of the intended use and occupancy of any structure, building, sign, or land or portion thereof for which a Zoning Permit is required herein.

702.4. **Action upon Application** - The Zoning Officer (or his/her designated agent) shall inspect any structure, building, or sign within seven (7) days after notification that the proposed work that was listed under the Zoning Permit has been completed. If he/she is satisfied that the work is in conformity and compliance with the work listed in the issued Zoning Permit and all other pertinent laws, he/she shall issue a Certificate of Use and Occupancy for the intended use listed in the approved application. If the Zoning Officer (or his/her designated agent) finds that the work has not been performed in accordance with the approved application, the Zoning Officer (or his/her designated agent) shall refuse to issue the Certificate of Use and Occupancy and within ninety (90) days after the application is filed, he/she shall give in writing the reasons for such refusal and shall inform the Permit holder of his/her right of appeal to the Zoning Hearing Board under Section 604.5. of this Ordinance.

702.5. **Availability of Certificate** - The Zoning Officer (or his/her designated agent) shall maintain a Certificate of Use and Occupancy (or a true copy thereof) for all uses that shall be kept available for inspection at all times.

702.6. **Compliance with Applicable State and Federal Requirements** - No Certificate of Use and Occupancy shall be issued unless evidence has been submitted that the applicant has complied with all applicable laws, rules, and regulations of the State and Federal governments.

702.7. **Temporary Certificate of Use and Occupancy** - Upon request of a holder of a Zoning Permit, the Zoning Officer (or his/her designated agent) may issue a temporary Certificate of Use and Occupancy for a structure, building, sign, or land, or portion thereof before the entire work covered by the Permit shall have been completed; provided that such portion or portions may be used or occupied safely prior to full completion of the work without endangering life or public welfare.

It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of application, they will:

- A. in no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone, and,
- B. contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved,

then, the Board of Supervisors may direct the Zoning Officer (or his/her designated agent) to issue a Certificate of Use and Occupancy for a period not to exceed six (6) months. Such Certificate of Use and Occupancy may be extended not more than once for an additional period of six (6) months.

702.8. **Performance Standards** - For uses that involve activities that are subject to

operations and performance standards listed in Article 318 of this Ordinance, no Certificate of Use and Occupancy shall become permanent until thirty (30) days after the facility is fully operating and when, upon reinspection by the Zoning Officer, it is determined that the facility is in compliance with all such standards.

Section 703 Fees

- 703.1. The Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses and collection procedures for applications for Zoning Permits, Certificates of Use and Occupancy, special exceptions, conditional uses, variances, appeals, amendments, and other matters pertaining to this Ordinance.
- 703.2. The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by resolution of the Board of Supervisors.
- 703.3. Until all application fees, charges, and expenses have been paid in full, the application or appeal shall not be considered complete. Therefore, no proceedings related to any such application or appeal shall be initiated, no established time elements shall begin to accrue, and no action shall be taken on any such application or appeal.

Section 704 Amendments

- 704.1. **Power of Amendment** - The Board of Supervisors 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 Township Planning Commission, the Board of Supervisors, or by a petition to the Board of Supervisors by an interested party;
- 704.2. **Hearing and Enactment Procedures for Zoning Amendments**
- A. **Public Hearing** - Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors 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.
 - B. **Public Notice** - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:
 - 1. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) 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. If the full text is not included:

- A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published; and,
 - An attested copy of the proposed Ordinance shall be filed in the County Law Library, or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinances.
2. For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing. In addition, notice of the public hearing shall be sent by first class mail by the municipality at least thirty (30) days prior to the date of the public hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area to be rezoned, as evidenced by the tax records within possession of the Township. Such notice shall include the location, date and time of the public hearing. The first class mail notice requirement shall not apply when the rezoning constitutes a comprehensive rezoning.
 3. 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.
 4. 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.
- C. **Enactment Notice** - In addition to the public notice requirements defined herein, the Board of Supervisors 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 the municipality where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days, nor less than seven (7) days, prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding Section 704.2.B.
- D. **Township Planning Commission Referrals** - For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission at least thirty (30) days prior to the public hearing on such amendment.

A report of the review by the Township Planning Commission, together with any recommendations, may be given to the Board of Supervisors

within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed action is in accordance with the intent of this Ordinance and any officially adopted Comprehensive Plan of the Township.

- E. **Western Cumberland County Region Referrals** – All proposed amendments shall be submitted to each of the municipalities of the Western Cumberland County Region at least forty-five (45) days prior to the public hearing on such amendments. Each municipality may submit recommendations to the Board of Supervisors; however, if the municipalities fail to act within forty-five (45) days, the Board of Supervisors may proceed without their recommendations
- F. **Cumberland County Planning Commission Referrals** - All proposed amendments shall be submitted to the Cumberland County Planning Commission at least forty-five (45) days prior to the public hearing on such amendments. The Commission may submit recommendations to the Board of Supervisors; however, if the Cumberland County Planning Commission fails to act within forty-five (45) days, the Board of Supervisors may proceed without its recommendations. Any recommendations by the Commission are purely advisory and the Board of Supervisors is not obligated to adhere to such recommendations.
- G. **Adjournment of Public Hearing** – If, during the public hearing process, the Board of Supervisors 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 time and place certain.
- H. **Copies of Adopted Amendments** - Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance and/or Zoning Map shall be forwarded to the Cumberland County Planning Commission.
- I. **Authentication of the Official Zoning Map** - Whenever there has been a change in the boundary of a zoning Zone or a reclassification of the zoning Zone adopted, the change on the Official Zoning Map shall be made and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

704.3. **Amendment Initiated by the Township Planning Commission** - When an amendment, supplement, change, or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors, which shall then proceed in the same manner as with a petition to the Board of Supervisors, which has already been reviewed by the Township Planning Commission;

704.4. **Amendment Initiated by the Board of Supervisors** - When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 704.2.;

704.5. **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 to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors 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 Board of Supervisors may require duplicate sets of petition materials;

704.6.

Curative Amendment by a Landowner - A landowner, who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he/she has an interest, may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered), with a written request that his/her challenge and proposed amendment be heard and decided, as provided in Sections 609.1 and 916.1 of the Act; as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and Cumberland County Planning Commissions, as provided for in Section 704.2., and public notice of the hearing shall be provided as defined herein.

- A. In reviewing the curative amendment, the Board of Supervisors 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;
 - 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 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 natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts;
 - 5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare; and,
 - 6. For challenges alleging the exclusion of one or more land uses within the Township, the Board shall consider the availability of uses permitted throughout the Western Cumberland County Region pursuant to Section 916.1.(h) of the Act.
- B. The governing body shall render its decision within forty-five (45) days after the conclusion of the last hearing.

- C. If the governing body fails to act on the landowner's request within the time limits referred to in paragraph (b), a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
- D. Public notice of the hearing shall include notice that the validity of the Ordinance 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.
- E. The challenge shall be deemed denied when:
 - 1. The governing body fails to commence the hearing within sixty (60) days;
 - 2. The governing body notifies the landowner that it will not adopt the curative amendment;
 - 3. The governing body adopts another curative amendment which is unacceptable to the landowner; or
 - 4. 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.
- F. Where, after the effective date of the Act, a 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 pursuant to Section 604.1., 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 to file an application for preliminary or tentative 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 Section 508 (4) of the Act shall apply.
- G. 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 the 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 purpose of awarding such supplemental relief as may be necessary;

704.7.

Curative Amendment by the Board of Supervisors

- A. The Board of Supervisors, 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 and proposal, the Board of Supervisors shall:

1. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof, which may include:
 - a. references to specific uses which are either not permitted or not permitted in sufficient quantity.
 - b. references to a class of use or uses which require revision; or,
 - c. references to the entire Ordinance which requires revisions.
 2. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.
- B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions required by Section 609 of the Act in order to cure the declared invalidity of the Ordinance.
- C. Upon the date of the declaration and proposal, the Board of Supervisors 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 under Section 604.1., subsequent to the declaration and proposal, based upon the grounds identical to, or substantially similar to, those specified in the resolution required by this section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of, this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
- D. The Board of Supervisors, 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 the Township by virtue of a Pennsylvania Appellate Court decision, the Board of Supervisors may utilize the provisions of this section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation; and,

Section 705 Conditional Uses

705.1. **Filing of Conditional Use** - For any use permitted by conditional use, a conditional use approval must be obtained from the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:

- A. Ground floor plans and elevations of proposed structures.
- B. Names and addresses of adjoining property owners, including properties

directly across a public right-of-way.

- C. A scaled drawing (site plan) of the site including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
- D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;

705.2. **General Criteria** - Each applicant must demonstrate compliance with the following:

- A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and such use is specifically authorized as a use by special exception within the zoning Zone wherein the applicant seeks approval;
- B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
- C. The proposed use will not substantially change the character of the subject property's neighborhood nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded;
- D. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities, (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
- E. Such use shall be sized, located and designed so that no undue traffic congestion or safety hazards will be created. The surrounding streets shall be sufficient to accommodate any expected increase in traffic generated by the proposed use. There shall be control of development of highway frontage so as to limit the number of points for vehicular access and consideration of their location with regard to vehicular and pedestrian safety. Where appropriate and practicable, joint use of shared access drives along major highways shall be encouraged.
- F. The applicant shall establish by credible evidence that the proposed conditional use shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.
- G. For development within the Floodplain Overlay Zone, that the application complies with those requirements listed in Section 230 of this Ordinance;
- H. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
- I. The proposed use will not substantially impair the integrity of the Township Comprehensive Plan;

- 705.3. **Conditions** - The Board of Supervisors, 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 and be subject to the penalties described in this Article;
- 705.4. **Site Plan Approval** - Any site plan presented in support of the conditional use pursuant to Section 705.1. 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; and,
- 705.5. **Hearing Procedures:**
- A. Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors or hearing officer shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application. As an alternative the Board of Supervisors may appoint any one of its members or an independent attorney to act as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final;
 - B. The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations;
 - C. 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 provision, by rules of the Board of Supervisors. 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 (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing;
 - C. The first hearing before the Board or hearing officer shall commence 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 Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the

applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal;

- D. The Board of Supervisors 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;
- E. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors or hearing officer, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors or hearing officer. The Board of Supervisors or hearing officer shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors or hearing officer for that purpose;
- F. The Chairman or Acting Chairman of the Board of Supervisors or hearing officer 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;
- G. 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;
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- I. The Board of Supervisors or hearing officer may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors or hearing officer; or shall be paid by the person appealing the decision of the Board of Supervisors or hearing officer 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;
- J. The Board of Supervisors or hearing officer shall not communicate, directly or indirectly, with any party or his/her representative 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 material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representative unless all parties are given an opportunity to be present;

- K. The Board of Supervisors 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 conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. However, the applicant and the municipality, may, prior to the decision of the hearing, waive the decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make the hearing officer's 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 Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer;
- L. Where the Board of Supervisors or hearing officer fails to render the decision within the period required by this subsection, or fails to commence the required hearing within sixty (60) days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than one hundred (100) days after completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, 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 Board of Supervisors or hearing officer to meet or render a decision as hereinabove provided, the Board of Supervisors or hearing officer 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 act. If the Board of Supervisors or hearing officer shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction; and,
- M. 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/her no later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the 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.

705.6.

Time Limitation:

- A. 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 Board of Supervisors 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/she 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/her application, and all approvals and permits granted to him/her shall be deemed automatically rescinded by the Board of Supervisors;
- C. Should the appellant commence construction or alteration within said two (2) year period, but should he/she fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors 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,
- D. As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Section 705.6. 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 Board must establish and bind a definite time-frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

Section 706 **Mediation Option**

- 706.1. Parties to proceedings before the governing body may utilize mediation as an aid in completing such proceedings. In no case shall the governing body initiate, mediate or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article 7 once they have been formally initiated.
- 706.2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - A. Funding mediation;
 - B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
 - C. Completing mediation, including time limits for such completion.
 - D. Suspending time limits otherwise authorized by the Act, provided there is written consensus by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation;

- E. Identifying all parties and affording them the opportunity to participate;
- F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
- G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the Act:

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

Section 707 Appeals

Proceedings for securing review of any ordinance or of any decision, determination, or order of the Board of Supervisors, their agencies, the Zoning Hearing Board, or the Zoning Officer issued pursuant to this Ordinance shall be in accordance with Article X-A of the Act, as amended.

Section 708 Repealer

Any Resolution, Ordinance, or part of any Resolution or Ordinance, inconsistent herewith, and any amendments thereof, are hereby expressly repealed.

Section 709 Effective Date

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of West Pennsboro Township, County of Cumberland, Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this 16th day of January, 2008.

BOARD OF SUPERVISORS OF WEST PENNSBORO TOWNSHIP

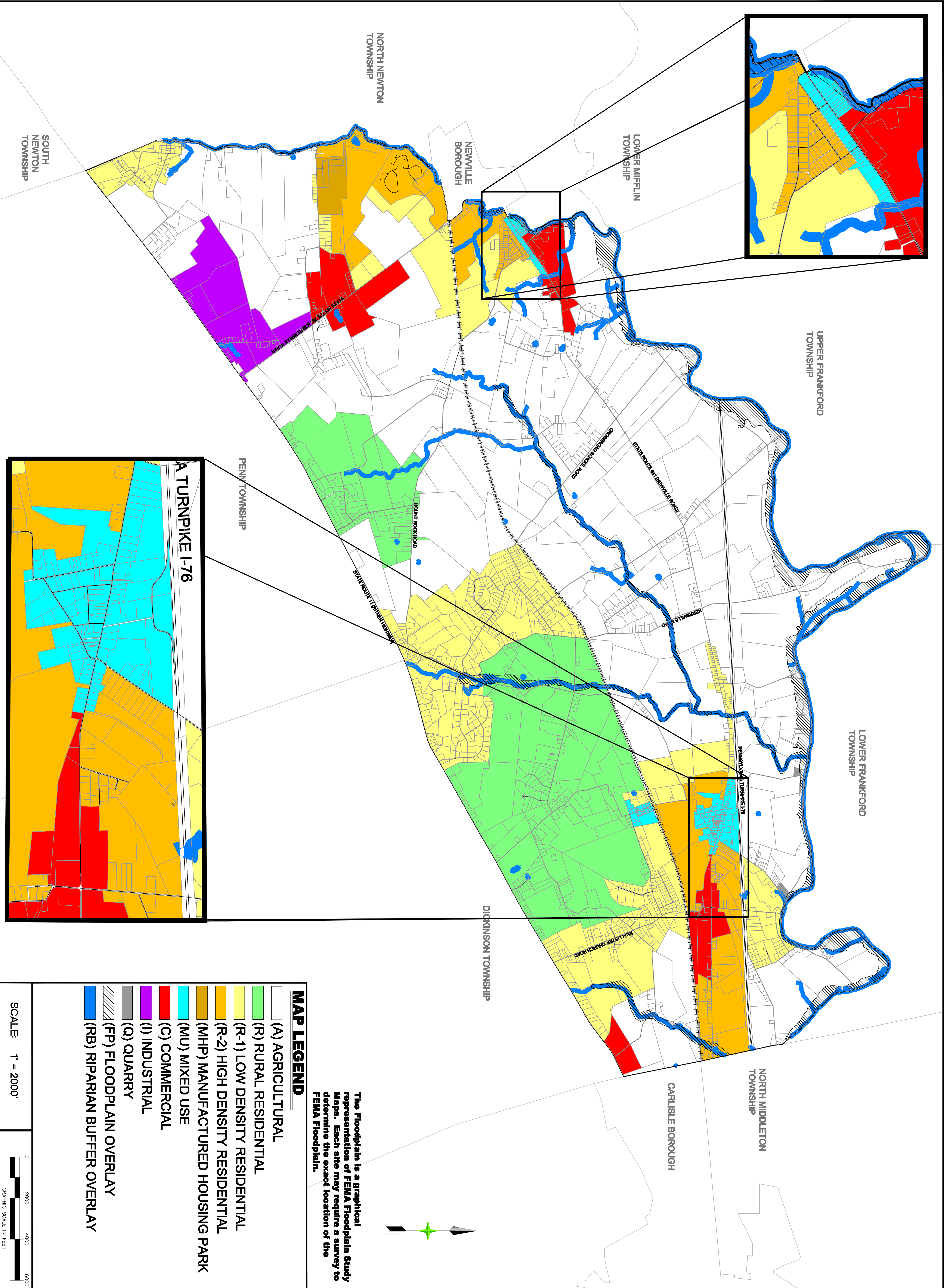
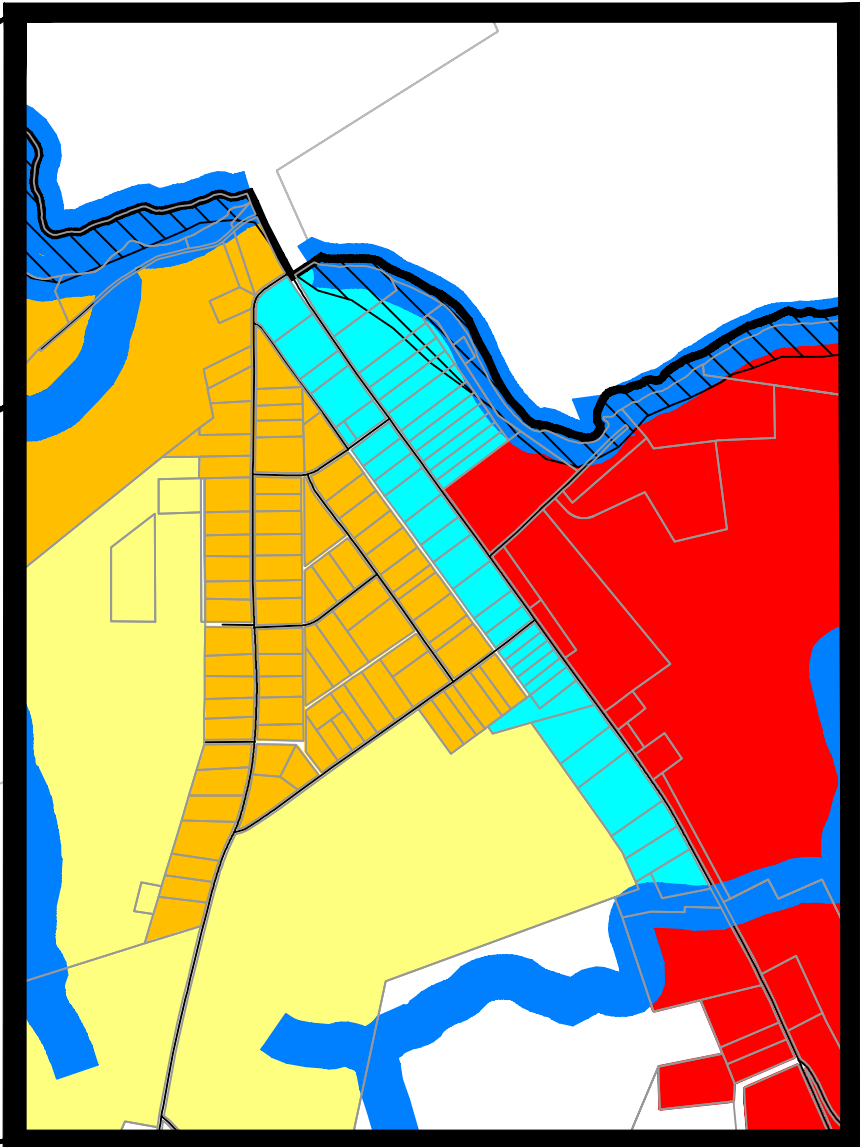
By: Richard E. Adlee Chairman

Walter P. Skine Member

D. L. King Member

ATTEST: Deborah M. Swartz Secretary



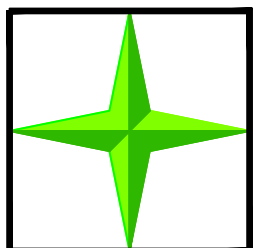


The Floodplain is a graphical representation of FEMA Floodplain Study Maps. Each site may require a survey to determine the exact location of the FEMA Floodplain.

MAP LEGEND

- (A) AGRICULTURAL
- (R) RURAL RESIDENTIAL
- (R-1) LOW DENSITY RESIDENTIAL
- (R-2) HIGH DENSITY RESIDENTIAL
- (MHP) MANUFACTURED HOUSING PARK
- (MU) MIXED USE
- (C) COMMERCIAL
- (I) INDUSTRIAL
- (Q) QUARRY
- (FP) FLOODPLAIN OVERLAY
- (RB) RIPARIAN BUFFER OVERLAY

SCALE: 1" = 2000'



DAWOOD
associates

engineers ■ planners ■ surveyors

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354 Alexander Spring Road
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Carlisle, PA 17013
Voice: (717) 249-9595
Fax: (717) 249-9088

TOWNSHIP ZONING ORDINANCE MAP

FOR

WEST PENNSBORO TOWNSHIP

CUMBERLAND COUNTY - PENNSYLVANIA

DATE	10/01/07
JOB NO.	105811.M
FILE NAME	F-ZONING.DWG
DRAWN BY	SBH
CHECKED BY	PDW
MAP NO.	1