

Franklin Township
Butler County

ZONING ORDINANCE

2018

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Article I: General Provisions

Section 101: Title

- A. The official title of the Ordinance is the “Franklin Township Zoning Ordinance.”

Section 102: Statutory Authority

- A. This Ordinance is adopted by virtue of the authority granted to Franklin Township (Township) by the Commonwealth in the Pennsylvania Municipalities Planning Code (MPC).

Section 103: Interpretation

- A. In the event of conflicts between the provision of this Ordinance and any other ordinance or regulation, the more restrictive provisions shall apply. In the interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the health, safety, and general welfare of the public. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Township Supervisors, in favor of the property owner and against any implied extension of the restriction.

Section 104: Purpose and Findings

- A. These regulations are adopted in accordance with the MPC, Community Development Objectives, and the Comprehensive Plan. The purpose of this Ordinance is to promote, protect, and facilitate any of the following:
- 1) Public health, safety, morals, and general welfare;
 - 2) Coordinated and practical community development;
 - 3) Appropriate redevelopment;
 - 4) Proper density of population;
 - 5) Provisions for adequate light and air;
 - 6) Less congestion on streets and roads;
 - 7) Safety from fire, panic, and other dangers;
 - 8) Prevention of the overcrowding of land;
 - 9) Avoidance of an undue concentration of population;
 - 10) Adequate provision of transportation, water, sewers, schools, parks, and other public facilities;
 - 11) Preservation of natural, scenic, and historic properties;
 - 12) Preservation of environmental features, including forest, wetlands, aquifers, prime agricultural land, steep slopes, and floodplains as deemed appropriate; and

- 13) Emergency management and preparedness.

Section 105: Community Development Objectives

- A. It is the intent of this Zoning Ordinance to achieve the following Community Development Objectives and purposes:
 - 1) Preserve the natural features of the Township by promoting context sensitive design surrounding environmentally sensitive features.
 - 2) Provide for compatible land uses surrounding Moraine State Park that respect the natural ecology and recreational nature of the context.
 - 3) Preserve the Township's existing rural character and agricultural operations by promoting low intensity uses within the Agriculture-Residential District.
 - 4) Accommodate residential growth that corresponds to the available utilities, classification of adjoining road networks, and environmental limitations of the site.
 - 5) Prevent the mixing of incompatible uses and require appropriate buffering between dissimilar uses. Emphasis shall be placed upon a cohesive land use pattern.
 - 6) Ensure that new development is compatible with the surrounding context in use, character, scale, and size.
 - 7) Encourage retail, professional office, and service-oriented development along the State Route 422 highway corridor and promote redevelopment that maximizes safe connections to existing arterial roadways.
 - 8) Promote compatible industrial uses within the Industrial District of the Township that provide appropriate infrastructure and similar intensities of use.
 - 9) Maintain the character of the community by discouraging the stock piling of industrial equipment and/or materials along the State Route 422 highway corridor.
- B. In accordance with the foregoing purposes and objectives, this Section establishes regulations governing the following:
 - 1) The height, number of stories, and size of buildings and other structures;
 - 2) The percentage of a lot that may be occupied;
 - 3) The size of yards, courts, and other open spaces;
 - 4) The population density and intensity of use; and
 - 5) The location and use of buildings, structures, and land for business, industrial, residential, or other purposes.

Section 106: General Compliance

- A. No land shall be used or occupied and no structures shall be designed, erected, altered, used, or occupied except in conformity with this Ordinance, in compliance with all standards, and upon performance of all conditions attached to any use approval, variance, appeal, rezoning, Subdivision and Land Development approval, planned residential approval, or site plan approved pursuant to all land use regulations of the Township.

- B. No person, firm, or corporation and no officer or employee (either as owner or as participating principal, agent, servant, or employee of such owner) shall sell, rent, or lease, or offer or attempt to sell, rent, or lease, any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this Ordinance.
- C. Every principal structure shall have its own water and sewer service unless not required to have water and/or sewer service by the Township Building Code.
- D. The requirements of this Ordinance shall apply to all zoning districts, lots, structures, Land Developments, and subdivisions in the Township.

Section 107: Applicability of Regulations to the Township

- A. This Ordinance shall apply to existing or proposed uses or structures owned by the Township.

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Article II: Definitions

Section 201: Word Usage

- A. For the purposes of this Ordinance, the following rules of usage and interpretation shall apply, unless the context indicates otherwise. In the interpretation of this Ordinance, the provisions and rules of this Ordinance shall be observed and applied except when the context clearly requires otherwise.
- 1) Words in the present tense include the future tense.
 - 2) Words in the singular include the plural and the plural includes the singular.
 - 3) The word "shall" is intended to be mandatory.
 - 4) The word "lot" shall include the word "plot" or "parcel."
 - 5) The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
 - 6) A building or structure includes any part thereof.
 - 7) The word "and" indicates that all connected items, conditions, provisions, or events shall apply.
 - 8) The word "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 9) The words "either" or "or" indicate that the connected items, conditions, provisions, or events may apply singly but not in any combination.
 - 10) The word "Township" means the Township of Franklin, Pennsylvania.
 - 11) The word "County" means the County of Butler, Pennsylvania.
 - 12) Sex specific pronouns or references shall refer to all sexes.
 - 13) In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, figure, or table, the text shall control.
 - 14) When a word or phrase is not specifically defined in this Ordinance, or referenced in another ordinance, then the common meaning of the word or phrase as defined in the most current edition Webster's Dictionary shall apply.

Section 202: General Definitions

When used in this Ordinance, the following words, terms, and phrases shall have the following meanings unless expressly stated otherwise or unless the context clearly indicates otherwise.

ACCESSORY DWELLING UNIT – A separate and accessory living space that is attached to the primary dwelling. Attached accessory dwelling units typically include living, sleeping, kitchen, and bathroom facilities that are accessed from a lockable entrance door separate from the primary dwelling entrance. An accessory dwelling serves as a mother-in-law suite and is occupied by a relative of the occupant of the principal structure or use on the lot or site.

ACCESSORY STRUCTURE – A structure the use of which is customarily accessory and incidental to that of the principal structure and which is located on the same LOT.

ACCESSORY USE – See “USE, ACCESSORY.”

ADAPTIVE REUSE – Applies to structures not initially designed for permanent residential use and to former public, semipublic, and other large private buildings (including schools, churches, armories, and other civic structures) which lie within any zoning district. Adaptive Reuse has the express purpose of encouraging the adaptive and flexible reuse of such buildings.

ADJACENT PROPERTY – Property that is contiguous with the boundaries of any side of the subject property.

AFTER HOURS CLUB – A USE that permits the consumption of alcoholic beverages by five (5) or more unrelated persons between the hours of 2 a.m. and 6 a.m. and involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

AGRICULTURAL OPERATION – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and/or commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. All commercial agricultural operations and structures are considered a principal use. See also ANIMAL PRODUCTION.

AGRICULTURAL OPERATIONS, ACCESSORY – The raising and keeping of farm animals for any domestic and/or non-commercial purpose as an accessory to a permitted residential dwelling. The keeping of livestock for commercial purposes or animal production shall be considered an AGRICULTURAL OPERATION. See also STABLE and STABLE, COMMERCIAL.

AIRPORT – Any area of land or water, whether of public or private ownership, designed and set aside for the landing and taking off of aircraft including all contiguous property that is held or used for airport purposes. This classification includes airport maintenance facilities and airport terminals.

AIRPORT CONTROL TOWER – A tower at an airfield from which air traffic is controlled by radio and observed physically and by radar.

ALLEY – A passage of way open to public travel which generally affords a secondary means of vehicular access to an abutting LOT and is not intended for general traffic circulation.

ALTERATIONS – As applied to a BUILDING or STRUCTURE:

- a change or rearrangement in the structural parts or exit facilities; or
- an enlargement, whether by extending on a side or by increasing in the height; or
- the moving from one location to another; or
- any change in use from that of one zoning district classification to another.

ALTERATIONS, STRUCTURAL – Any change in the supporting members of a BUILDING, such as bearing walls, columns, beams, girders, or foundations.

AMBULANCE STATION – A structure or other area set aside for storage of ambulance vehicles, medical equipment, personal protective equipment, and other medical supplies.

AMPHITHEATER – An oval or round structure having tiers of seats rising gradually outward from a central open space or arena.

AMUSEMENT ARCADE – An Amusement Arcade is provided for as a principal or accessory use. If an accessory use, any establishment where two (2) or fewer amusement devices are located. If a principal use, any establishment where three (3) or more amusement devices are located.

AMUSEMENT DEVICE – Any mechanical, electrical, or electromechanical device, machine, or apparatus whatsoever for the playing of games and amusements, or any device on which music is played after the insertion therein of a coin or other disc, slug, or token, or any device for which fees are paid to an attendant. Amusement Devices are commonly known as pinball machines, video games, jukeboxes, and the like.

AMUSEMENT PARK – An establishment developed primarily for entertainment purposes and offering rides and exhibitions for a fee.

ANIMAL CEMETERY – Any site containing at least one (1) burial, marked or previously marked, dedicated to and used, or intended to be used, for the permanent burial of animals.

ANIMAL DAY CARE – A facility that cares for domestic animals for less than twelve (12) consecutive hours in the absence of the pet owner or a facility that provides training for domestic animals with or without the facility owner receiving compensation for such services. An Animal Day Care does not include medical or surgical treatment or overnight boarding facilities. See also “KENNEL.”

ANIMAL GROOMER – A retail facility that provides bathing and trimming services for domestic animals on a commercial basis. An Animal Groomer does not include medical or surgical treatment or overnight boarding facilities. See also “KENNEL.”

ANIMAL HOSPITAL & VETERINARY SERVICES – An establishment where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use or temporary boarding during treatment. This definition shall not include any services defined in the term KENNEL.

ANIMAL PRODUCTION – The slaughtering, processing, or marketing of animals for a commercial use. See also AGRICULTURAL OPERATION.

ANSI – The American National Standards Institute.

ANTENNA – Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc), or any other wireless antenna. An antenna shall not include a Tower-based Wireless Communications Facility (WCF) as defined in this Section of the Ordinance.

APARTMENT – See “MULTI-FAMILY DWELLING.”

- APPLICANT** – A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.
- APPLICATION FOR DEVELOPMENT** – Every application, whether preliminary, tentative, or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a Building Permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.
- APPURTENANCES** – The visible, functional, or ornamental objects accessory to and part of a BUILDING or STRUCTURE.
- AQUARIUM / ZOO** – An establishment that maintains a collection of wild animals, typically in a park, garden, or a transparent tank of water, for display to the public.
- ARCHITECT** – An architect registered by the Commonwealth of Pennsylvania. See “REGISTERED PROFESSIONAL.”
- AREA, BUILDING** – The total horizontal plane area of the BUILDING from outside wall to outside wall. This is exclusive of patios and exterior stairways.
- AREA, SITE** – The total area of the LOT or lots comprising a site.
- ART GALLERY** – A structure, or part thereof, devoted to the exhibition of visual works of fine art. An Art Gallery generally includes accessory services, such as selling or buying displayed works, custom framing or encasement of art works, and services related to art appraisal, display, preservation, or restoration.
- ARTS & CRAFT STUDIO** – A use involving the creation, display, and sale of arts and crafts such as paintings, sculpture, and fabric crafts. The creation of arts and crafts may also be permitted within a HOME OCCUPATION BUSINESS provided the requirements for such use are met.
- ASPHALT / CONCRETE PLANT** – A plant where asphalt or concrete is mixed for distribution, typically for use off-site.
- ASSISTED LIVING FACILITY** – See “CARE FACILITIES AND ELDERLY HOUSING.”
- AUDITORIUM** – A large building or hall used for public gatherings, typically speeches or stage performances.
- AUTHORITY** – A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the “Municipality Authorities Act of 1945.”
- AUTOMOBILE GRAVEYARD** – See “SALVAGE/JUNK YARD.”
- AUTOMOBILE RENTAL** – See “VEHICLE RENTAL FACILITY.”
- AUTOMOBILE REPAIR AND SERVICE** – Any building, premises, or land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of vehicles weighing less than 8,500 pounds Gross Vehicle Weight Rating (GVWR). This classification shall not include service of heavy duty vehicles over 8,500 pounds GVWR. Related land use classifications include BUS OR TRUCK MAINTENANCE FACILITY, COMMERCIAL MOTOR VEHICLE REPAIR, and HEAVY EQUIPMENT REPAIR & BUSINESS. See also “SUPPLY YARDS” with regards to equipment sales.
- BAKERY, RETAIL** – A place for preparing, baking, and selling baked goods and products prepared on the premises. Wholesale bakeries are classified as light manufacturing. See also “MANUFACTURING FACILITY, LIGHT.”

BARN – A principal or accessory building used for the shelter of livestock raised on the premises, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for agricultural operations. A barn shall be considered an Agricultural Operation or Accessory Agricultural Operation. See also “AGRICULTURAL OPERATION” and “AGRICULTURAL OPERATION, ACCESSORY.”

BASEMENT – That portion of a building which is partly or completely having a floor below grade.

BED & BREAKFAST INN – An owner-occupied dwelling that contains not more than four (4) guests rooms/sleeping rooms in which lodging, long- or short-term, is provided for compensation and in which meals for lodgers may also be provided. This use shall not include GROUP HOMES.

BEVERAGE DISTRIBUTOR – Any operation which engages in the sale of beverages in beverage containers which are not for consumption on the premise. This use typically includes the sale of alcoholic beverages in quantities as prescribed by the Pennsylvania Liquor Control Board (LCB). This definition includes any manufacturer who engages in these sales.

BILLBOARD – A permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured, and/or furnished at a place other than the real property on which said sign is located. All Billboards shall be considered a principal use subject to the regulations of this Ordinance.

BOARD – Any body granted jurisdiction under a land use ordinance or by the Pennsylvania Municipalities Planning Code to render final adjudications.

BOARDING HOUSE – A building other than a HOTEL, MOTEL, SHORT-TERM RENTAL, or BED & BREAKFAST INN where lodging is provided for compensation.

BREWERY – An establishment for brewing large quantities of beer or other malt liquors for wholesale distribution. This land use does not provide for retail sales and/or consumption of alcoholic beverages on the premise. See also “MICRO-BREWERY.”

BROADCAST AND RELAY TOWERS – A freestanding support structure, the attached antenna, and the related equipment intended for transmitting, receiving, or re-transmitting commercial television, radio, telephone, cellular, or other telecommunication services.

BUFFER AREA/BUFFER ZONE – A landscaped area of a certain area specified by this Ordinance which shall be planted and maintained in trees, ground cover, shrubs, bushes, or other natural landscaping material or an existing natural or constructed barrier which duplicates the effect of the required Buffer Area.

BUILDING – A STRUCTURE used for sheltering any use or occupancy.

BUILDING CODE – Franklin Township’s adopted Uniform Construction Code (UCC) (Ordinance No. 81 adopted June 7, 2004, as amended).

BUILDING FACADE – That portion of any exterior building elevation extending from finished grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

BUILDING FRONT – The wall of the building where the principal entrance is located, usually fronting on a public street.

BUILDING PERMIT – A permit for activities regulated by the UCC as adopted by the Township including construction, alteration, repair, demolition, or addition to a structure.

BUILDING, PRINCIPAL – The building or buildings on a LOT in which the principal use or uses are conducted.

BUS OR TRUCK MAINTENANCE FACILITY – A building or set of buildings that are designed for the maintenance of buses and trucks. Busses and/or trucks within this category include vehicles that have a GVWR greater than 8,500 pounds and less than 33,000 pounds. Related land use classifications include “AUTOMOBILE REPAIR AND SERVICE,” “COMMERCIAL MOTOR VEHICLE REPAIR,” and “HEAVY EQUIPMENT REPAIR & BUSINESS.” See also “SUPPLY YARD” with regards to equipment sales.

BUS TERMINAL – A terminal that serves bus passengers.

CAMPGROUND – A property, under single ownership, upon which two (2) or more campsites are located, established, or maintained for occupancy by camping unit as temporary living quarters for recreation, education, or vacation purposes. Campgrounds include Travel Trailer Parks.

CAR WASH – The Car Wash land use classification includes the related facilities and operations listed below. Each car wash type designated below is provided for under the entry “Card Wash” in Table 6 – Table of Authorized Principal Uses.

CAR WASH TYPES:

AUTOMOBILE/MOTOR VEHICLE DETAIL – Any building, premises, or land in which or upon which a business or individual performs or renders a service involving the detailing and servicing of an automobile or other motor vehicle. Detailing and servicing shall include any cleaning, buffing, striping, glass replacement, vehicular audio installation, or vehicular audio repair. Automobile/Mobile Vehicle Detail shall not include any service defined as “AUTOMOBILE REPAIR AND SERVICE.”

CAR WASH, AUTOMATIC – Any building, premises, or land where chains, conveyors, blowers, steam cleaners, or other mechanical devices are used for the purpose of washing motor vehicles and where the operation is generally not performed by an attendant.

CAR WASH, SELF-SERVICE – Any building, premises, or land where washing, drying, and polishing of vehicles is generally on a self-service basis without the use of chain conveyors, blowers, steam cleaning, or other mechanical devices.

CARE FACILITIES AND ELDERLY HOUSING – An establishment that contains dwelling units, intended or designed to be used, rented, leased, let out, or hired out, to be occupied for living purposes based on age and/or resident needs. Each care facility type designated below is provided for separately in Table 6 – Table of Authorized Principal Uses under “Care Facilities and Elderly Housing.”

CARE FACILITY AND ELDERLY HOUSING TYPES:

ASSISTED LIVING FACILITY – Any premises in which food, shelter, assisted living services, assistance, or supervision and supplemental health care services are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator and who require assistance or supervision in matters

such as dressing, bathing, feeding, managing finances, evacuating from the residence in the event of an emergency, or taking medication prescribed for self-administration.

LIFE CARE COMMUNITY – A corporation, association, or other business entity that, in exchange for the payment of entrance and monthly fees, provides all of the following:

- Residential accommodations meeting the minimum standards for residents set forth by law and ordinances and providing a design to meet the physical, social, and psychological needs of older people;
- Medical and nursing care covering, under ordinary circumstances, the balance of a resident's life;
- Prepaid medical consultation opportunities through independent professionals selected by the organization or through some equivalent arrangement;
- Financial self-sufficiency, not dependent on outside support to any significant degree, with entrance and monthly fees adjusting to meet changing costs.

NURSING HOME – An institution licensed by the Commonwealth for the care of human patients requiring either skilled nursing or intermediate nursing care or both levels of care for a period exceeding twenty-four (24) hours.

RETIREMENT HOUSING FACILITY – A multi-residence housing facility intended for senior citizens. Typically each person or couple in the facility has an apartment-style room or suite of rooms.

CARPORT – A detached accessory structure that includes private parking area(s) for the storage of one (1) or more vehicles. A carport may be covered by a roof supported by columns or posts. A carport has no more than two (2) walls. An attached carport is an extension of the principal building and subject to the related building codes and zoning regulations of the permitted principal use. See also “GARAGE, PRIVATE.”

CARTWAY – That portion of a STREET or ALLEY intended for vehicular use.

CATERING – A location that prepares food for delivery and consumption at a remote site. Catering operations, when authorized, may sometimes be located in conjunction with an events venue. As a land use classification, Catering only includes food preparation.

CATERING / EVENT VENUE – A facility that provides a location for a planned occasion or activity such as a wedding, reunion, graduation, or other social gathering. Event Venues, when authorized, may include a catering use.

CEMETERY – Any site containing at least one (1) burial, marked or previously marked, dedicated to, used for, or intended to be used for, the permanent interment of human dead, including perpetual care and non-perpetual care cemeteries. This use classification includes mausoleums.

CHURCH – See “PLACE OF WORSHIP.”

CLEAN WOOD – Natural wood that has been seasoned to reduce its water content and provide more efficient combustion. This term does not include wood coated with paint, stain, oil, resin, any other preservative, fire retardant, or decorative materials; wood impregnated with preservatives or fire retardants; wood exposed to salt water; wood or lumber manufactured with the use of adhesives, polymers, or resins such as strand, particle, veneer, or recycled lumber.

CLUB / LODGE – Buildings and related facilities owned and operated by an individual or a group of individuals established for fraternal, social, educational, recreational, or civic benefits of members and not primarily for profit. Access to facilities is typically restricted to members and their guests.

CLUSTER DEVELOPMENT – A development design technique used in Planned Residential Development (PRD) that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

CLEAR SITE TRIANGLE – As defined in the Township Subdivision and Land Development Ordinance (SALDO).

COLLEGE / UNIVERSITY – An institution of higher learning that may offer two (2) or four (4) year programs and / or post-graduate programs.

CO-LOCATION – The mounting of one (1) or more WIRELESS COMMUNICATION FACILITY including antennas on an existing TOWER-BASED WIRELESS COMMUNICATION FACILITY or on any structure that already supports at least one (1) NON-TOWER WIRELESS COMMUNICATION FACILITY.

COMMERCIAL COMMUNICATIONS TOWER – A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals through the air, that does not meet the definition of a "standard antenna." Commercial communications antennas shall include, but are not limited to, antennas used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to retransmit wireless telecommunications. A commercial communications tower shall be a structure over thirty (30) feet in height that is primarily intended to support one (1) or more antennas. See standards in Article VIII: Wireless Communications Facilities. This definition shall not include a "standard ANTENNA."

COMMERCIAL MOTOR VEHICLE REPAIR – Any building, premises, or land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of a commercial motor vehicle. Commercial motor vehicles are those vehicles that have a GVWR in excess of 33,000 pounds and generally require a government-issued Commercial Driver's License to operate. Related land use classifications include: "AUTOMOBILE REPAIR AND SERVICE," "BUS OR TRUCK MAINTENANCE FACILITY," and "HEAVY EQUIPMENT REPAIR & BUSINESS." See also "SUPPLY YARD" with regards to equipment sales.

COMMERCIAL RECREATION, INDOOR – An establishment operated by a profit-making corporation, partnership, or other business entity for the pursuit of sports, amusement, or recreational activities available to the general public for a fee and where the principal use is conducted entirely within a completely enclosed building. Indoor Commercial Recreation includes, but is not limited to, such principal uses as health or racquet and/or swim clubs, fitness centers, roller or ice rinks, karate schools, gymnasiums, arenas, sports courts or playing fields, bowling alleys, amusement arcades, virtual reality and simulation gaming parlors, escape rooms, billiard parlors, shooting ranges, or dance halls, but shall not include any adult business.

COMMERCIAL RECREATION, OUTDOOR – An establishment operated by a profit-making corporation, partnership, or other business entity for the pursuit of sports, amusement, or recreational activities available to the general public for a fee, where the principal use is outdoors, but which may include accessory uses that are indoors. Outdoor Commercial Recreation includes, but is not limited to, such principal uses as

miniature golf courses, golf or batting practice facilities, ice rinks, roller blade parks, swimming pools, sports playing fields, ball parks, stadiums, amphitheaters, drive-in theaters, amusement parks, racetracks, and similar facilities.

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

COMMUNICATIONS ANTENNA(S) – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals including, without limitation, omni-directional or whip antennas and directional or panel antennas owned or operated by any person or entity required to be licensed by the United States Federal Communications Commission (FCC) to operate such device. This term does not include satellite dishes mounted on a private residences, television antennas associated with a private residents, or amateur radio equipment.

COMMUNITY CENTER – A building or other place in which members of a community may gather for social, educational, or cultural activities.

COMMUNITY FOOD BANK – A charitable organization that solicits and warehouses donated food and other products. This food is then distributed to a variety of community agencies which serve people in need or distributed directly to people in need. A community food bank is considered an accessory land use.

COMPREHENSIVE PLAN – The “General Development Plan” of Franklin Township adopted February 10, 1970.

CONDITIONAL USE – See “Use, Conditional.”

CONFERENCE CENTER – Specialized HOTEL designed and built almost exclusively to host such events as exhibitions, large meetings, seminars, training sessions. A Conference Center often also provides office facilities and a range of leisure activities.

CONSTRUCTION TRAILER – See “TRAILER, SALES or CONSTRUCTION.”

CONSTRUCTION-RELATED BUSINESS – Construction-related Businesses shall include building-related industries such as carpentry, electrical, plumbing, HVAC, etc. Construction businesses may include retail and/or offices space related to the sales and distribution of the related service. Supply yards and/or storage yards may be permitted as accessory uses. See also “SUPPLY YARD,” “STORAGE YARD,” “HEAVY EQUIPMENT REPAIR & BUSINESS.”

CONVENIENCE STORE – A small market that carries a limited selection of goods and is open long hours. Convenience Stores may sometimes be located in conjunction with a Gas/Fuel Station use but only when the Gas/Fuel Station use is also allowable in the zoning district.

CONVERSION DWELLINGS – see “DWELLING TYPES.”

CORRECTIONAL FACILITY – Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal or civil offense including but not limited to prisons, jails, halfway houses, homes licensed for juvenile offenders, or other facilities where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

COUNTY – Butler County, Pennsylvania.

CUSTOM PRINTING BUSINESS – A facility where print, text, pictures, or the like are produced by applying specialized inked types, plates, blocks, or other related processes to paper or other material either by direct pressure or indirectly by offsetting an image onto an intermediate roller.

DAY CARE, HOME-BASED – An accessory use in which care is provided, pursuant to Commonwealth approval, for children under the age of sixteen (16) who are unrelated by blood or marriage to all owners of the premises and to all owners and operators of the Home-based Day Care operation being conducted on the premises, provided that:

- The premises wherein the Home-based Day Care is located is the full-time, bona fide residence of the owner of said operation or business; and
- The premises is in compliance with all applicable provisions and requirements of the most recent editions of the Building Code, Residential Code, and Fire Code, as adopted by the Township; and
- The operation is in compliance with all applicable rules and regulations of the Commonwealth and the Township and any other applicable law, ordinance, or regulation.

DAY CARE CENTER, ADULT – A facility, licensed by the Commonwealth of Pennsylvania, located within a building which is not used as a dwelling unit for the care of elderly and/or functionally impaired adults for less than twenty-four (24) hour periods.

DAY CARE CENTER, CHILD – A facility, licensed by the Commonwealth of Pennsylvania, located within a building which is not used as a DWELLING UNIT, that provides for the care of children under the age of sixteen (16) for less than twenty-four (24) hour periods. This use classification includes nursery schools which provide daytime care and/or instruction for two (2) or more children of preschool age.

DECIBEL (dBa) – A unit of measurement of the intensity (or loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels (dBa).

DECK – An accessory structure to a DWELLING UNIT that is constructed of natural or synthetic wood, either on or above the ground, with or without a roof or awning, with or without steps or railings, attached or free-standing, and with flooring that is not completely impervious.

DEDICATED OPEN SPACE OR RECREATION LAND – A parcel of land integrated within a Subdivision or Land Development that is dedicated, either publicly or privately, specifically for use as a park, open space, and/or active recreation area.

DENSITY – The number of DWELLING UNITS per acre.

DETERMINATION – The final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder except the Board of Supervisors or the Zoning Hearing Board.

DEVELOPMENT – See “LAND DEVELOPMENT”

DEVELOPER – Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes or causes to be made a SUBDIVISION of land or a LAND DEVELOPMENT.

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT – Any LAND DEVELOPMENT that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one (1) municipality.

DEVELOPMENT PLAN – The written and graphic material provisions for any development as outlined in the SALDO. The phrase “provisions of the development plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition and required by the SALDO.

DISTILLERY – An establishment for distilling, especially for distilling alcoholic liquors. No products produced by a Distillery shall be sold and/or consumed on the premise. See also “MICRO-DISTILLERY.”

DISTRIBUTED ANTENNA SYSTEMS (DAS) – A network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DISTRIBUTION CENTER – A warehouse or other specialized building, often with refrigeration or air conditioning, which is stocked with products or goods to be redistributed to retailers, to wholesalers, or directly to consumers. A Distribution Center is the order processing element of the order fulfillment process.

DORMITORY – A building at a school or institution containing a number of private or semiprivate rooms for residents along with common bathroom facilities and recreation areas.

DRILLING PAD – See “NATURAL GAS AND OIL WELL DEVELOPMENT.”

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

DRIVEWAY – A private, vehicular passageway that provides access from a public or private street to the parking area of a SINGLE-FAMILY DWELLING, or PRIVATE GARAGE, or any part of a private abutting LOT.

DRIVEWAY, COLLECTOR – A private, vehicular passageway that provides access from a public or private street to TOWNHOMES, DUPLEXES, MULTIFAMILY DWELLINGS, PARKING LOTS, or commercial structures.

DRIVEWAY, SHARED – A private driveway serving two (2) residential DWELLING UNITS.

DRUG STORE – See “PHARMACY.”

DWELLING – A building that contains one (1) or more DWELLING UNITS, intended or designed to be used, rented, leased, let, or hired out to be occupied for living purposes. Each dwelling type designated below is provided for separately in Table 6 – Table of Authorized Principal Uses under “DWELLING TYPE.”

DWELLING TYPES (on next page):

CONVERSION DWELLING – A dwelling unit or units created from a larger existing residential dwelling whether entirely from the existing structure or by building additions or combinations thereof. Conversion dwellings involve the creation of additional dwelling units in a structure from existing dwellings not intended or designed when the dwelling was initially constructed. Conversion dwellings are primarily intended to serve as rental units and are defined separately from ACCESSORY DWELLINGS UNITS which are primarily intended to house family members.

DUPLEX – A detached house designed for and occupied exclusively as exactly two (2) attached DWELLING UNITS, each an independent housekeeping unit with no internal connectivity between units.

MOBILE HOME – Manufactured housing that is a transportable, single family dwelling intended for permanent occupancy and constructed so that it may be used without a permanent foundation.

MULTI-FAMILY DWELLING – A residential building designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more separate DWELLING UNITS but not including Single-Family, Duplex, Townhome, or Quadruplex Dwellings.

QUADRUPLEX – A residential building, other than a Townhome, containing exactly four (4) DWELLING UNITS in one (1) structure, each of which has two (2) walls exposed to the outside and each of which shares two (2) common walls with adjoining units. The four (4) units are placed at right angles to one another rather than in a row and have no other units above or below which share common floors/ceilings.

ROW HOUSE – See “TOWNHOME.”

SINGLE FAMILY DWELLING – A detached residential building that is the only principal structure on the lot designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) DWELLING UNIT.

TOWNHOME – A group of not less than three (3) but not more than six (6) SINGLE FAMILY DWELLINGS units constructed as a group of attached units in which each unit shares one (1) or more common wall that extends from the foundation to the roof.

DWELLING UNIT – A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EDUCATIONAL INSTITUTION – A structure, part of a structure, or structures designed and used for training and teaching of children, youths, or adults which may include laboratories.

ELECTRONIC NOTICE – Notice given by a municipality through the internet of the time and place of a PUBLIC HEARING and the particular nature of the matter to be considered at the hearing.

EMERGENCY – A condition that constitutes a clear and immediate danger to the health, welfare, or safety of the public, or has caused or is likely to cause, facilities in the RIGHTS-OF-WAY to be unusable and result in loss of those provided services.

EMERGENCY OPERATIONS CENTER (EOC) – A centralized location, structure, or vehicle that supports agency, multi-agency, and/or multi-jurisdiction disaster response coordination and communication.

EMERGENCY SHELTER – A facility, including rescue missions, for persons seeking temporary voluntary shelter for a duration not to exceed sixty (60) days.

ENFORCEMENT NOTICE – As provided in §616.1 of the MPC, 53 P.S. §10616.1, a notice, the purpose of which is to initiate enforcement proceedings, sent by the Township to the owner of record of a parcel on which a violation of this Ordinance has occurred, and 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 or occupant of record.

ENVIRONMENTAL ACTS – All statutes enacted by the Commonwealth of Pennsylvania relating to the protection of the environment or the protection of public health, safety, and welfare that are administered and enforced by the Pennsylvania Department of Environmental Protection (DEP) or by another Commonwealth agency, including an independent agency, and all federal statutes relating to the protection of the environment to the extent those statutes regulate oil and gas operations.

ENVIRONMENTALLY SENSITIVE AREAS – Lands, which because of their characteristics or locations, are limited with regard to DEVELOPMENT activities. Environmentally Sensitive Area characteristics include, but are not limited to, steep SLOPES, FLOOD PLAIN areas, wetlands, and any areas of special concern as identified by a Pennsylvania Natural Diversity Inventory (PNDI) Environmental Report.

ENGINEER, PROFESSIONAL – A licensed professional engineer registered by the Commonwealth of Pennsylvania. See “REGISTERED PROFESSIONAL.”

EPA – The United States Environmental Protection Agency or any agency successor thereto.

ESSENTIAL SERVICES – The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems. Essential Services may include poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television transmission lines, or other telecommunications transmission lines provided by public or private entities. Essential Services may also include other similar equipment and accessories that are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare. Essential services include water supply pump stations and water tanks. Essential services do not include operations and facilities associated with NATURAL GAS AND OIL WELL SITE DEVELOPMENT and do not include WCF.

EXHIBITIONS AND ART GALLERIES – See “ART GALLERY.”

EXTENDED STAY HOTEL / MOTEL – A HOTEL or MOTEL with accommodations for sleeping and with in-unit full kitchen and bathroom facilities. Occupancy of any extended stay unit shall be allowed for more than thirty (30) days as long as the units are in compliance with all applicable rules and regulations of the Commonwealth, the Township, and any other applicable law, ordinance, or regulation.

FAMILY – An individual; two (2) or more persons related by blood, marriage or adoption; or not more than three (3) unrelated persons living as a single housekeeping unit. A Family may also include domestic servants and gratuitous guests. The foregoing restrictions do not apply to persons with disabilities as defined in the Fair Housing Act, 42 USC §3601 et seq.

- FARMERS MARKET** – A retail establishment at which fruits, vegetables, breads, eggs, milk, cheese, meat, flowers, and the like are sold by persons who typically grow, harvest, or process such items from their farm or agricultural operation.
- FCC** – The United States Federal Communications Commission.
- FENCE** – A free standing accessory structure designed and constructed for the purpose of enclosing space, separating parcels of land, screening, protecting, confining, and/or creating privacy. A Fence may include entrance and exit gates or openings.
- FINANCIAL INSTITUTIONS** – Banks, credit unions, brokerages, and similar institutions that accept deposits, lend money, or are engaged in a finance-related business.
- FIRE STATION** – A structure in which firefighting apparatuses and usually fire department personnel are housed.
- FLAG** – Any fabric containing distinctive colors, patterns, or symbols used as a symbol of the United States of America, the Commonwealth of Pennsylvania, or the local municipality. A Flag is not a SIGN.
- FLEA MARKET** – A business that sells used merchandise and stores or displays the merchandise outdoors. A Flea Market shall not sell automobiles, logging equipment, agricultural equipment, or lawn tractors.
- FLOODPLAIN** – As defined by the Franklin Township Floodplain Management Ordinance.
- FLOODPLAIN MANAGEMENT ORDINANCE** – Franklin Township’s Floodplain Management Ordinance (No. 38 adopted September 9, 1986, as amended).
- FLOOR AREA, GROSS (GFA)** – The sum of all the horizontal floor areas of a building measured between exterior faces of walls.
- FORESTRY**– The management of forests and timberlands when practiced in accordance with accepted silvicultural principles including developing, cultivating, harvesting, transporting, and selling trees for commercial purposes when it does not involve any Land Development.
- FRONT FACE** – See “BUILDING FACADE.”
- FUNERAL HOME** – A building used for the embalming of deceased human beings, display of the deceased, and postmortem, burial, or creation ceremonies. Funeral Homes may include a crematorium.
- GARAGE, PRIVATE** – A detached accessory structure that is not accessible to the general public. A Private Garage is designed for the storage of private vehicles and personal property of the occupants or owners of the principal building. An attached garage is an extension of the principal building and subject to the related building codes and zoning regulations of the permitted principal use. All non-residential detached storage structures are defined as storage buildings. See also “STORAGE BUILDINGS.”
- GARDEN CENTER** – A building, site, or structure used for the sale of flowers, plants, shrubs, trees, other natural flora, and associated products. A Garden Center does not include a GREENHOUSE/NURSERY, outdoor storage, display, or sales of equipment and/or materials associated with the principal use. See also “GREENHOUSE/NURSERY,” “LANDSCAPE BUSINESS,” “SUPPLY YARD,” and “STORAGE YARD.”
- GAS / FUEL STATION** – A building, buildings, premises, or portions thereof that are used, arranged, designed, or intended to be used for the retail sale of gasoline or other fuel for

motor vehicles. This use classification shall include electric recharge stations for electric motor vehicles. Gas/Fuel Stations may include the operation of a CONVENIENCE STORE in conjunction with the retail sale of petroleum products. Gas/Fuel Stations may also be located with an AUTOMOBILE REPAIR AND SERVICE use when the Automobile Repair and Service use is also allowable in the zoning district.

GAZEBO – A freestanding, roofed accessory structure usually open all its sides.

GOLF COURSE – Any golf course, publicly or privately owned, on which the game of golf is played and including accessory uses and buildings customary thereto, but excluding GOLF DRIVING RANGE as defined herein. This definition shall not include mini-golf courses which are included in COMMERCIAL RECREATION, OUTDOOR.

GOLF DRIVING RANGE – A limited area on which golf players do not walk but onto which they drive golf balls from a central driving tee. A Golf Driving Range may be permitted as either a principal or accessory use.

GRADING PERMIT – A permit issued by the Township to authorize work to be performed in compliance with, and as required by, the Township SALDO.

GREENHOUSE / NURSERY – A retail business that sells flowers, plants, shrubs, trees, other natural flora, and products that aid their growth and care and that may include a Greenhouse and/or the growing of plant material outside on the lot. See also “SHEDS” regarding residential greenhouses.

GREENHOUSE, PRIVATE – A private, accessory structure with no commercial sales and incidental to the permitted principal use or principal building.

GROUP CARE FACILITY – A facility which provides room and board and specialized services for:

- More than eight (8) residents who are mentally or physically handicapped;
- Any number of permanent residents who are dependent and/or delinquent children under the age of eighteen (18) and have been adjudicated by the court system;
- Mentally disturbed persons of any age; or
- Persons assigned by a court of law, public agency, or a semipublic agency on a short-term basis for supervision, care, and counseling for a specified period of time. Group Care Facilities might include homes for alcoholic recovery, shelters for battered persons and their children, community reentry homes following incarceration, and other such transitional and/or supervised short-term assignments.

Staff, who shall be qualified by the sponsoring agency, may or may not reside at the facility and shall provide health, social, and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents, or any other responsible nonprofit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency.

GROUP HOME – A DWELLING UNIT where room and board is provided to not more than eight (8) permanent residents who are mentally or physically handicapped persons of any age, who are in need of supervision and specialized services and not more than two (2) caretakers on any shift who may or may not reside in the dwelling and who provide health, social, and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents, or any other

responsible nonprofit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency. A Group Home does not include persons assigned by a court of law or public or semipublic agency on a short-term basis for supervision, care, and counseling for a specified period of time, and consequently does not include homes for alcoholic recovery, shelters for battered persons and their children, community reentry services following incarceration, and other such transitional and/or supervised short-term assignments.

HAZARDOUS WASTE RECYCLING FACILITY – A structure where hazardous waste is collected for recycling purposes.

HEARING – An administrative proceeding conducted by a BOARD pursuant to §909.1 of the MPC. See also “PUBLIC HEARING.”

HEAVY EQUIPMENT REPAIR & BUSINESS – The repair, rebuilding, painting, or reconditioning of heavy equipment or earth moving equipment (not classified as a motor vehicle for use on public roadways). See also “SUPPLY YARD” regarding equipment sales. Related land use classifications include “AUTOMOBILE REPAIR AND SERVICE,” “BUS OR TRUCK MAINTENANCE FACILITY,” and “MOTOR VEHICLE REPAIR.”

HEIGHT OF A BUILDING – The vertical distance measured from the average elevation of the proposed finished grade of the building to the eaves. For the purpose of determining maximum permitted height for principal buildings, such measurement shall be made from the average finished grade at the front setback. For the purpose of side or rear yard determination, such measurement shall be made from the average finished grade of the wall extending along such side yard or rear yard.

HEIGHT OF A STRUCTURE – For structures other than buildings or signs, the vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

HEIGHT OF A TOWER-BASED WIRELESS COMMUNICATION FACILITY – The vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-based WCF including tower-mounted antennas or other appurtenances.

HEIGHT OF A TURBINE – The distance measured from the highest point of the wind turbine rotor place to the ground level.

HELIPORT – Any area of land, water, or structure which is used or intended to be used for the landing and takeoff of helicopters and any appurtenant areas which are used for Heliport buildings, helicopter facilities, or ROW together with all Heliport buildings and facilities thereon.

HISTORIC STRUCTURE – Any STRUCTURE that is:

- Listed individually in the National Register of Historic Places or preliminarily determined by the United States Secretary of the Interior as meeting the requirements for individual listing on the National Registry; or
- Certified or preliminarily determined by the Pennsylvania Secretary of the Interior as contributing to the historical significance of a registered Historic District or a district preliminarily determined by the Pennsylvania Secretary to qualify as a registered Historic District; or

- Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the United States Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - by approved state program as determined by the Secretary of the Interior; or
 - directly by the United States Secretary of the Interior in states without approved programs.

HOME OCCUPATION BUSINESS – Any use carried on entirely within a dwelling by the occupant thereof and that use being clearly incidental and subordinate to the use of the dwelling. Examples include, but are not limited to, professional services such as legal, financial, accounting or engineering; barber or beauty shops; music or tutoring instruction. Home occupations are limited to one (1) student, customer, or client at a time. Home Occupation Businesses are different than No-Impact Home-Based Businesses. See also “NO-IMPACT HOME-BASED BUSINESS.”

HOSPITAL – An institution providing acute medical or surgical care and treatment for sick or injured humans as defined in current state licensure requirements.

HOTEL – A building containing rooms intended, designed to be used, used, rented, or hired out to be occupied or that are occupied for sleeping purposes by guests. Hotels have a common reception area on premises that are staffed twenty-four (24) hours a day and where clients check in to obtain access to a room.

HYDRAULIC FRACTURING (FRACKING) – See “NATURAL GAS and OIL WELL SITE DEVELOPMENT.”

IMPERVIOUS SURFACE – Any material which prevents the absorption of stormwater into the ground as defined by the Township Stormwater Management Ordinance

IMPERVIOUS SURFACE RATIO – As defined in the Township Stormwater Management Ordinance.

INCINERATOR – See “SOLID WASTE COMBUSTOR OR INCINERATOR.”

JUNK YARD – See “SALVAGE/JUNK YARD.”

KENNEL – A use of land and structures in combination wherein four (4) or more domestic animals or pets are bred, trained, and/or boarded for compensation for more than twelve (12) consecutive hours. ANIMAL DAY CARE and ANIMAL GROOMER, where pets are not on site for more than twelve (12) consecutive hours, shall not be considered a Kennel.

LABORATORY – A building or part of a building devoted to the testing and analysis of any product or animal. No manufacturing is conducted on the premises except for experimental or testing purposes.

LAND DEVELOPMENT – Includes any of the following activities:

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

- 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.
- A subdivision of land.
- Land Development shall not include:
 - The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
 - The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
 - The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this Subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved.

LANDFILL – See “SOLID WASTE LANDFILL FACILITY.”

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.

LANDSCAPE ARCHITECT – A landscape architect registered by the Commonwealth of Pennsylvania. See “REGISTERED PROFESSIONAL.”

LANDSCAPE BUSINESS – Landscape Businesses shall include green industry businesses such as landscape design, landscape construction, turf grass maintenance, and landscape maintenance operations. Landscape Businesses may include retail and/or offices space related to the sales and distribution of the principal use. SUPPLY YARDS and STORAGE YARDS may be permitted as accessory uses.

LANDSCAPE PLAN – A plan prepared by a design professional identifying:

- each tree and shrub by size, type, and scientific name; and
- the location of each, including a planting diagram; and
- such other diagrams or reports as are necessary to show:
 - the method of planting, staking, and mulching; and
 - grass seeding specification and mixtures; and
 - existing trees to be preserved, if any.

LAUNDROMAT – An establishment with coin-operated washing machines and dryers for public use.

LEGAL NON-CONFORMING – Describes uses or structures which were in existence, had begun use or construction, or were constructed when the law allowed for them but have since become non-compliant due to a change in legislation.

LIBRARY – A building or room containing collections of books, periodicals, reference materials, electronic resources, and the like for people to read, borrow, or reference.

LIFE CARE COMMUNITY – See “CARE FACILITIES AND ELDERLY HOUSING.”

LIVE-WORK UNITS – A commercial use, such as a shop, studio, office, cafe, deli, personal service establishment, or other place of business, in combination with a DWELLING UNIT located in the same building as the place of business. Only the owner of the business may occupy the residential unit. All connections between the uses must be internal to the structure. See also “MIXED-USE.”

LOADING SPACE OR BERTH – A space within the main building or on the same lot providing for the standing, loading, or unloading of vehicles.

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

LOT TYPES (also see *Figure 1 – Yard Type Illustration*):

LOT, CORNER – A lot at an intersection of two or more streets.

LOT, FLAG – An interior, unconventional lot for a single-family detached dwelling which has direct access to a public or private street by way of a fifty (50) foot wide access strip. The front building setback line shall be measured only from the interior front line and not from the street or right-of-way. No building or structure shall be permitted in any portion of the flag stem or access strip.

LOT, INTERIOR – A lot other than a corner lot or through lot.

LOT, THROUGH OR DOUBLE FRONTAGE – A lot having frontage on two (2) parallel or approximately parallel streets and which is not a corner lot.

LOT AREA – The total area within the boundary of the lot excluding any areas contained in the street RIGHT-OF-WAY.

LOT COVERAGE – That percentage of the LOT AREA covered by all principal structures, accessory structures, and IMPERVIOUS SURFACES.

LOT FRONTAGE – The length of a lot line directly bordering and adjacent to a street that is open to vehicular traffic.

LOT LINE – A line that denotes the boundary of a LOT or parcel of land, as defined herein.

LOT LINE TYPES:

FRONT LOT LINE – A lot line or lines which separates a lot from a street or streets.

REAR LOT LINE – That lot line that is generally opposite the front lot line.

SIDE LOT LINE – Any lot line that is not a front lot line or rear lot line.

LOT, WIDTH – The horizontal distance between SIDE LOT LINES as measured at the FRONT SET BACK LINE.

LUMBER YARD – See “SUPPLY YARD.”

MAGISTRATE OFFICE AND COURT – A court having limited jurisdiction over civil and criminal matters and matters of contracts not exceeding a particular threshold.

MAILED NOTICE – Notice, from a municipality and delivered by first class mail, of the time and place of a PUBLIC HEARING and the particular nature of the matter to be considered at the hearing.

MANUFACTURING FACILITY, LIGHT – The manufacture, fabrication, assembly, or processing of goods and materials, excluding heavy industrial establishments.

MANUFACTURING FACILITY, HEAVY – The manufacture, storage, processing, and treatment of materials which are potentially hazardous or the manufacturing, storage, processing, and treatment of materials which produces significant amounts of smoke, noise, glare, dust, or odor as a primary or secondary effect of the principal use of the land or buildings. A Heavy Manufacturing Facility characteristically employs such equipment as smokestacks, tanks, distillation columns, reaction columns, chemical processing equipment, scrubbing towers, pickling equipment, or waste treatment lagoons. Examples of heavy manufacturing include basic steel manufacturing plants (such as foundries, blast furnaces, and stamping mills), industries handling animal offal or hides, basic cellulose pulp-paper mills and similar fiberboard and plywood production, lime manufacturing, ore and metal smelting and refining, and chemical plants such as petrochemical complexes. This definition does not include any oil and gas facilities or operations.

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 of physiotherapy, unless operated by a medical practitioner, chiropractor, or professional physical therapist licensed by the Commonwealth of Pennsylvania. This definition shall not include an athletic 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. A Massage Establishment may not include any aspects of adult entertainment, adult-oriented establishment, or a SEXUALLY-ORIENTED AND ADULT BUSINESS as defined and regulated in this Ordinance.

MEDICAL CLINIC – An establishment where human patients receive diagnostic testing, treatment, and/or counseling by professionals licensed by the Pennsylvania Department of Health, but where patients are not hospitalized overnight.

MEDICAL OFFICES – A medical, dental, or psychiatric practice offering medical or dental services on an outpatient basis and which may also contain associated in-house ancillary services such as in-house diagnostic testing facilities, medical counseling services, and similar services. This definition shall not include MEDICAL CLINIC.

METHADONE TREATMENT FACILITY – A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

MICRO-BREWERY – A small, usually independent, brewery that produces limited quantities of specialized beers. A Micro-brewery provides for the retail sales of the beer at the location where it is produced. A Micro-brewery may also include a tasting room and RESTAURANT in conjunction with the use.

MICRO-DISTILLERY – A small, often boutique-style, distillery established to produce beverage-grade spirit alcohol in relatively small quantities, usually single or small

batches. A Micro-distillery provides for the retail sales of the distilled beverage at the location where beverages are distilled. A Micro-distillery may also include a tasting room and RESTAURANT in conjunction with the use.

MINERALS – Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, and peat.

MINERAL DEVELOPMENT – Mineral Development is a broad use classification that includes the operations listed below. Mineral development does not include oil and gas facilities or related operations. Oil and gas development uses are provided for under separate headings.

MINERAL DEVELOPMENT TYPES:

METALLIC MINING – The extraction of valuable minerals or other geological materials from the earth from an orebody, lode, vein, seam, or reef which forms the mineralized package of economic interest to the miner.

NON-METALLIC MINING – The extraction of stone, sand, rock, or similar materials from natural deposits.

QUARRYING AND STONE CUTTING – The removal and/or the cutting of stone from a quarry.

MIXED USE – A nonresidential use in combination with a residential use in a single principal structure. A Mixed Use is distinguished from a LIVE-WORK UNIT due to the lack of any internal connections between the uses.

MOBILE HOME – See “DWELLING.”

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

MOBILE HOME PARK – A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more lots for the placement thereon of MOBILE HOMES as provided for in the Township SALDO.

MOBILE HOME SALES – An entity engages in the sale of MOBILE HOMES.

MONOPOLE – A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communication antennas and connecting appurtenances.

MOTEL – A building or group of detached, semidetached, or attached buildings located on one (1) lot that contains guest dwellings, each dwelling having a separate outside entrance leading directly to the dwelling, with a garage or parking space conveniently located with each unit, and which is designed, used, or intended to be used primarily for the accommodation of automobile transients. A BOARDING HOUSE shall not be considered a Motel.

MULTI-FAMILY DWELLING – See “DWELLING TYPES.”

MUNICIPAL AUTHORITY – A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the “Municipality Authorities Act of 1945,” as amended and codified.

MUNICIPAL BUILDING – Any structure or building owned by the Township.

MUNICIPALITIES PLANNING CODE (MPC) – Act of 1968, P.L. 805, No. 247, as reenacted and amended (53 P.S. §§ 10101 et seq.).

NATURAL GAS – A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen, hydrogen sulfide, and other gas species. The term includes natural gas from oil fields known as non-associated gas, coal beds, shale beds, and other formations. The term does not include coal bed methane.

NATURAL GAS AND OIL WELL SITE DEVELOPMENT – The term includes the following: well location assessment, including seismic operations, well site preparation, construction, drilling, water or fluid storage operations, hydraulic fracturing, and site restoration associated with an oil and gas well of any depth. The term includes conventional (vertical) and non-conventional (horizontal) methods of drilling.

NATURAL GAS COMPRESSOR STATION – A facility designed and constructed to compress natural gas that originates from a NATURAL GAS OR OIL WELL SITE DEVELOPMENT or collection of such wells operating as a midstream facility for delivery of natural gas to a transmission pipeline, distribution pipeline, NATURAL GAS PROCESSING PLANT, or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks, and other equipment.

NATURAL GAS PROCESSING PLANT – A facility that is not a NATURAL GAS COMPRESSOR STATION and which is designed and constructed to remove materials and gases such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets.

NATURE PRESERVE – A piece of land protected and managed to preserve its flora and fauna.

NIGHT CLUB – An establishment primarily for evening and late-night to early morning entertainment that typically serves food and/or alcoholic beverages and may provide either live or prerecorded music or video, comedy acts, floor shows, or dancing. A Night Club may not include any aspects of adult entertainment, adult-oriented establishment, or a SEXUALLY-ORIENTED AND ADULT BUSINESS as defined and regulated in this Ordinance.

NO-IMPACT HOME-BASED BUSINESSES – A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the principal 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:

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

- There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- 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.
- The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- The business may not involve any illegal activity.

No-Impact Home-Based Businesses are different than HOME OCCUPATION BUSINESSES.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF) – WCF’s that does not include support structures for antennas or any related equipment that are mounted to the ground or at ground-level.

NURSERY SCHOOL – See “DAY CARE CENTER, CHILD.”

NURSING HOME – See “CARE FACILITIES AND ELDERLY HOUSING.”

OCCUPANCY – The physical possession upon, on, or within any LOT or STRUCTURE for a use.

OCCUPANCY CERTIFICATE – A certificate for the occupancy of a BUILDING, STRUCTURE, or LOT indicating compliance with all provisions of this Ordinance.

OFFICES, BUSINESS AND PROFESSIONAL – Any office of recognized professions, other than medical, such as lawyers, architects, engineers, real estate brokers, insurance agents, and others who, through training, are qualified to perform services of a professional nature, and other offices used primarily for accounting, corresponding, research, editing, or other administrative functions. This definition shall not include FINANCIAL INSTITUTIONS or MEDICAL OFFICES.

OUTDOOR DINING – An accessory use dining area with seats and/or tables located on the same lot but outside of a restaurant, cafe, or other food service establishment building and which is either: (1) located entirely outside the walls of the subject building, or (2) enclosed on two (2) sides or less by the walls of the building and with or without a solid roof.

OUTDOOR HYDRONIC HEATER – A fuel-burning device, also known as an “outdoor wood-fired boiler,” “outdoor wood-fired furnace,” and “outdoor wood-burning appliance,” designed specifically by the manufacturer:

- to burn clean wood or other fuels specifically tested and listed for use by the manufacturer; and
- to be installed outdoors or installed in structures not normally intended for habitation by humans or domestic animals (for example, garages); and
- to heat building space and/or water via distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

PARK AND RIDE FACILITY – A lot, parcel, or facility designed for patrons to park their private vehicle and transfer to other private or public transportation.

PARK, PUBLIC OR SEMI-PUBLIC – A parcel of land owned by the Commonwealth of Pennsylvania, Butler County, and/or the Township that is dedicated, either publicly or privately, specifically for outdoor use for open space and/or active or passive recreation purposes. This definition shall also include a parcel of land owned by a homeowners' association or condominium association that, as part of a Township-approved subdivision, Land Development and/or PRD, is dedicated, either publicly or privately, specifically for use as a park, open space, and/or active or passive recreation area. A park shall not include an INDOOR COMMERCIAL RECREATION nor an OUTDOOR COMMERCIAL RECREATION facility.

PARKING LOT – Any LOT, parcel, or yard used in whole or in part for the storage or parking of two (2) or more vehicles where such usage is not incidental to or in conjunction with a SINGLE FAMILY DWELLING OR DUPLEX.

PARKING LOT, COMMERCIAL – Any lot, parcel, or yard used in whole or in part for the temporary storage or parking of two (2) or more vehicles where such usage is the principal use on the site.

PARKING STRUCTURE, ACCESSORY – An accessory structure associated with a permitted principal use that is used exclusively for the temporary storage of motor vehicles.

PARKING STRUCTURE, COMMERCIAL – A principal structure used exclusively for the temporary storage of motor vehicles.

PATIO – A structure, accessory to a dwelling, constructed on the ground from impervious material such as concrete, stones, bricks, blocks, or other paving material and that may or may not have a roof or awning.

PAWN SHOP – A pawnbroker's shop, especially one where unredeemed items are sold to the public.

PERSONAL SERVICES – Any enterprise providing services pertaining to the person, their apparel, or their personal affects that are commonly carried on or about the person including but not limited to shoe repair, tailoring, clothes cleaning, watch repairing, barbershops, beauty parlors, and similar activities. This definition shall not include TATTOO PARLOR.

PERSONS – Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations, and other entities established pursuant to statutes of the Commonwealth of Pennsylvania. This definition shall not include, or apply to, the Township or to any department or agency of the Township.

PHARMACY – A retail store which primarily sells prescription drugs, patent medicines, surgical supplies, and sickroom supplies.

PHASE 2 OUTDOOR HYDRONIC HEATER – An outdoor hydronic heater that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTU) output and is labeled accordingly with a white "hang" tag.

PLACE OF WORSHIP – A facility that provides religious and/or worship services that is semi-public and includes any of the following: church, manse, rectory, convent,

synagogue, parish, monastery, seminary, temple, and/or similar building incidental to the Place of Worship use. This definition does not include business offices, except administrative offices incidental to the operation of the Place of Worship use; rescue missions; or the occasional use for religious purposes of properties not regularly so used.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) – An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, use, density, intensity, lot coverage, and/or required open space to the regulations established in any one district created, from time-to-time, under the provisions of Article IX: Planned Residential Development.

PLANNING COMMISSION – The Planning Commission of Franklin Township.

PLANNING AGENCY, COUNTY – Butler County Economic Development and Planning.

PLAT – The map or plan of a SUBDIVISION or LAND DEVELOPMENT (whether preliminary or final) or a LOT.

POLE-MOUNTED/SHARED USE COMMUNICATIONS FACILITY – Any antenna used for the transmission or reception of any radio wave or radio signal that is to be mounted upon a preexisting steel or metal electrical transmission tower that is owned or operated by a public utility.

POLICE STATION – The office or headquarters of a local or state police force.

PORCH – A roofed or uncovered accessory structure, without enclosing walls, that is attached to or part of the principal building and which has direct access to and from the principal building.

POST OFFICE – A building or room where postage stamps are sold and other postal business is conducted.

POWER GENERATION FACILITY, ELECTRIC – A facility that generates electricity by means of geothermal power, hydropower, or the burning of coal, oil, or gas. Accessory generators for hospitals, schools, and other similar uses shall not be considered a power generation facility.

PROFESSIONAL CONSULTANT – Person who provides expert or professional advice including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, or planners.

PUBLIC HEARING – A formal meeting, held pursuant to PUBLIC NOTICE by the Board of Supervisors, Planning Commission, or Zoning Hearing Board intended to inform and obtain public comment prior to taking action in accordance with this Ordinance.

PUBLIC IMPROVEMENTS – All roads, streets, walkways, sidewalks, gutters, culverts, curbs, sewers, waterlines, stormwater management facilities, landscaping, street lighting, traffic control devices, and other facilities to be dedicated to or maintained by the Township.

PUBLIC MEETING – A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).

PUBLIC NOTICE – A notice published once each week for two (2) 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.

QUADRUPLEX DWELLING – See “DWELLING TYPES.”

RADIO OR TELEVISION TRANSMITTER – A piece of equipment that relays radio or television signals.

RAILROAD FACILITY – A building or series of buildings, with or without an open yard, with a permanent road laid with rails, commonly in one (1) or more pairs of continuous lines forming a track or tracks, on which locomotives and railroad cars are kept for maintenance and/or storage. A Railroad Facility includes freight rail and intermodal transfer facilities.

RECORDING STUDIO – An environment to allow for the capture, manipulation, and mastering of an auditory product.

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

RECYCLING BUSINESS – A business that is: (1) primarily engaged in converting ferrous, nonferrous metals, or other materials into raw material products that have prepared grades and have an existing or potential economic value; or (2) using ferrous, nonferrous metals, or other raw material products in the production of new products; or (3) obtaining or storing ferrous or nonferrous metals.

REFRIGERATED WAREHOUSE or COLD STORAGE – See “WAREHOUSE & STORAGE SERVICES.”

REGIONAL PLANNING AGENCY – A planning agency that is comprised of representatives of more than one (1) county. Regional planning responsibilities shall include providing technical assistance to counties and municipalities, mediating conflicts across county lines, and reviewing county comprehensive plans for consistency with one another.

REGISTERED PROFESSIONAL – An individual licensed in the Commonwealth of Pennsylvania to perform services or activities required by provisions of this Ordinance and qualified by training and experience to perform the specific services and/or activities with technical competence.

REHABILITATION FACILITY– See “GROUP CARE FACILITY.”

RELATED EQUIPMENT, WIRELESS COMMUNICATION – Any piece of equipment related to, incidental to, or necessary for, the operation of a TOWER-BASED WCF or NON-TOWER WCF. Related equipment includes but is not limited to generators and base stations.

RENEWABLE ENERGY SOURCE – Any method, process, or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar energy, wind energy, and hydroelectric energy. This definition shall not include those sources of energy used in the fission and fusion processes.

- REPOSSESSION BUSINESS** – A business that repossess vehicles when owners default on payments or rental vehicles are not returned on time. A Repossession Business may include retail/office space and vehicle service areas within a completely enclosed building. A STORAGE YARD can be permitted as an accessory use to the principal structure.
- RESEARCH AND DEVELOPMENT** – Any establishment that carries on investigation in the natural, physical, social sciences engineering fields and which development (as an extension of such investigation), with the objective of creating end products, may include light, small-scale pilot manufacturing as an incidental use where concepts are tested prior to full-scale production.
- RESTAURANT** – An establishment designed and operated for the express purpose of providing food and beverage service within the confines of a structure and generally excluding any encouragement, orientation, or accommodation of services or products to the patrons' automobiles, on or within the premises.
- RESTAURANT, DRIVE-IN** – A restaurant with or without a DRIVE-THROUGH, where the food is primarily brought to and consumed within a patron's vehicle. An OUTDOOR DINING area may be permitted as an accessory use.
- RESTAURANT, NEIGHBORHOOD** – A restaurant containing less than 1,500 square feet of GFA and which does not contain more than twenty (20) seats.
- RETAIL STORE** – Any establishment not otherwise specifically defined in this Article that sells commodities and/or services on the premises and directly to consumers, but not including the on-site manufacturing or processing of any product or any wholesale sales.
- RETIREMENT HOUSING FACILITY** – See “CARE FACILITIES AND ELDERLY HOUSING.”
- RIGHT-OF-WAY (ROW)** – As defined in the Township SALDO.
- ROADSIDE STAND** – A principal or accessory use including a seasonal, temporary, or semi-temporary structure that is located on a lot or parcel for the sale of goods or produce.
- ROOMING HOUSE** – See “BOARDING HOUSE.”
- ROW HOUSE** – See “TOWNHOME” under “DWELLING.”
- SALT STORAGE FACILITY** – A structure used to house road salt used to treat public and/or private roadways.
- SALVAGE / JUNK YARD** – Any lot, yard, or premises devoted wholly or in part to the storage, buying, selling, sorting, exchanging, salvaging, recycling, or otherwise handling or dealing in junk, including automotive wreckage.
- SCHOOL** – Any public, private, or parochial place of instruction having regular sessions with regularly employed instructors that teaches academic subjects that are fundamental and essential in general education and which provide pre-primary and/or kindergarten through twelfth grade or any public vocational school that meets the requirements of the Pennsylvania Department of Education of the Commonwealth of Pennsylvania. This definition shall not include EDUCATIONAL INSTITUTION or COLLEGE/UNIVERSITY as defined herein nor does it include any privately operated school of trades, vocations, avocations, or business.

SETBACK LINE – A line parallel to a lot line, defining the building setback required by this Ordinance.

SETBACK LINE, FRONT – The building setback line that is parallel to the FRONT LOT LINE, located at a distance as required by this Ordinance. Where the FRONT LOT LINE is not consistent with the ROW, the front set back shall be measured from the ROW.

SETBACK LINE, REAR – The building setback line that is parallel to the REAR LOT LINE, located at a distance as required by this Ordinance.

SETBACK LINE, SIDE – The building setback line that is parallel to the SIDE LOT LINE, located at a distance as required by this Ordinance.

SELF-STORAGE FACILITY – An enclosed area or structure used for the storage of items not belonging to the owner of the land on which such enclosed area or structure is located, in exchange for rent paid for the use of said enclosed area or structure.

SEWAGE TREATMENT PLANT – A facility designed to receive the wastewater from domestic sources and to remove materials that damage water quality and threaten public health and safety if/when discharged into receiving streams or bodies of water.

SEXUALLY-ORIENTED AND ADULT BUSINESSES – Any commercial establishment including, but not limited to the list below. Any type of Sexually Oriented Business and Adult Business are provided for by this land use classification within the land use chart.

TYPES OF SEXUALLY-ORIENTED AND ADULT BUSINESSES:

ADULT ARCADE – Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion-picture machines, projectors, videos, or other image-producing devices are maintained, not located within viewing booths, 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 the depicting or describing of sexual activities or specified anatomical areas.

ADULT BOOKSTORE, ADULT NOVELTY STORE, ADULT VIDEO STORE – An establishment that sells or rents:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, CD ROM, or DVD discs or other computer software, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas or
- Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

ADULT CABARET – A NIGHT CLUB, TAVERN OR BAR, RESTAURANT, or other commercial establishment that regularly features:

- Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities or
- Films, motion pictures, video cassettes, DVDs, slides, or other photographic reproductions or visual presentations of any other kind which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MINI MOTION-PICTURE THEATER – An enclosed building or structure offering video presentations or other visual media distinguished or characterized by an emphasis on matter depicting, describing, or relating to “sexual activities” or “nudity” for observation by patrons within private viewing booths.

ADULT MOTION-PICTURE THEATER – A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions or visual presentations of any kind are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER – A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

ESCORT AGENCY – A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

NUDE MODEL STUDIO – Any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A Nude Model Studio shall not include:

- a proprietary school licensed by the Commonwealth of Pennsylvania; or
- a college, junior college, or university supported entirely or in part by public taxation; or
- a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

provided all of the following criteria are met:

- The building in which the Nude Model Studio is located has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing and
- In order to participate in a class, a student must enroll at least three (3) days in advance of the class.
- No more than one (1) nude or semi-nude model is on the premises at any one (1) time.

SHED – A detached accessory structure which is incidental to a permitted residential building. Sheds typically sit on a simple concrete slab, piers, or soil and are used to store household goods, tools, and/or equipment. Sheds shall include but are not limited to tool sheds, residential greenhouses, and pool equipment structures. All non-residential, accessory storage structures are defined as STORAGE BUILDINGS.

SHOPPING CENTER – One (1) or more RETAIL STORE(s), with the option of additional other authorized uses in the zoning district in which it is an authorized use, developed as

a single entity, usually under one (1) roof, on a site, whether developed at one (1) time or in phases or by different owners.

SHORT TERM RENTAL – A principal or accessory use other than a HOTEL or MOTEL where lodging is provided for compensation, generally for less than thirty (30) days. Rentals are generally facilitated by an online tool that allows for peer-to-peer lodging options where the lodging facilities are generally owned by private individuals. This use includes, but is not limited to, rentals commonly facilitated by businesses such as Airbnb, HomeAway, Flip Key, WorldEscape, Uproost, etc.

SIGN – A name, identification, description, display, illustration, or device which is affixed or represented directly or indirectly upon a building, structure or land and which functions as an accessory use by directing attention to a product, place, activity, person, institution, or business. The following terms and definitions (“SIGN”) are associated with the sign regulations contained in this Ordinance. This definition shall not include BILLBOARDS.

SIGN, A-FRAME – A portable sign comprised of two (2) separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

SIGN, ADDRESS – The street number or other designation assigned by the Township to a housing unit, business establishment, or other structure for all purposes of location, mail delivery, and emergency services.

SIGN, ANIMATED OR MOVING – Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or any sign or part of a sign that gives the visual impression of such movement or rotation. CHANGEABLE COPY signs as defined herein are not considered Animated or Moving Signs.

SIGN, ANIMATION – The movement, or the optical illusion of movement, of any part of the sign structure, design, or pictorial segment including the movement of any illumination or the flashing, scintillating, or varying of light intensity. This definition includes signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion.

SIGN, AWNING OR CANOPY – Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A MARQUEE is not a Canopy Sign.

SIGN BASE – The support on which a SIGN FACE stands. The Sign Base shall not communicate any messages and shall not include any business identification.

SIGN, BANNER – A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbol, color, or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. National, state, or municipal flags, or the officially adopted FLAG of any institution or business shall not be considered banners.

SIGN, BUILDING IDENTIFICATION – A small pedestrian-oriented sign attached to a building that bears only the name, number(s) and/or logo of the building but not the tenant and that is intended to be legible only from the pedestrian ways immediately adjacent to the sign.

SIGN, CHANGEABLE COPY – A sign that is designed so that characters, letters, or illustrations can be changed or rearranged manually to change the message on the sign without altering the SIGN FACE or surface of the sign.

- SIGN, CHANGEABLE COPY, REMOTE** – A sign that is designed so that characters, letters, or illustrations can be changed or rearranged remotely by electronic or other means to change the message on the sign without altering the SIGN FACE or surface of the sign.
- SIGN, COMMERCIAL MESSAGE** – Any sign wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.
- SIGN, CONSTRUCTION** – A TEMPORARY SIGN announcing the name of contractors, mechanics, or artisans engaged in performing work on the premises only during active construction activities.
- SIGN, DEVELOPMENT** – A TEMPORARY SIGN erected by the contractor and developer or their agent only during the period of construction and/or development of a property.
- SIGN, DIGITAL SIGN** – A computer-programmable sign capable of displaying words, numbers, symbols, figures, or picture images that can be altered or rearranged remotely or automatically without physically altering the SIGN FACE or surface of the sign. These signs typically utilize light-emitting diode, plasma, or liquid crystal display technology to produce the characters and graphics of the display. This definition shall include STATIC ALPHANUMERIC DISPLAYS and ELECTRONIC MESSAGE BOARDS.
- SIGN, DIRECTIONAL, INCIDENTAL** – A sign, generally informational, that has a purpose secondary to the use of the lot or site on which it is located, and is located only in conjunction with site drive entrances and/or internal traffic drive aisles, and does not exceed five (5) square feet. Such Incidental Directional signs include "No Parking," "Entrance," "Exit," "One Way," "Loading Only," "Telephone," and other similar directives.
- SIGN, ELECTRONIC MESSAGE BOARD** – A type of DIGITAL SIGN which displays messages, such as time and temperature, in alternating light cycles.
- SIGN FACE** – The area or display surface including the advertising surface and any framing, trim, or molding used for the message on a single plane.
- SIGN, FLASHING** – A sign that contains an intermittent or sequential flashing light source, or has a light source which is not stationary, or varies in illumination intensity, or contains elements which give the appearance of any of the aforementioned.
- SIGN, FREESTANDING** – A sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any BUILDING or other STRUCTURE.
- SIGN, GOVERNMENTAL** – Any sign that is owned, installed, and maintained by the Township or other governmental agency.
- SIGN, GROUND / MONUMENT** – A freestanding sign that is completely self-supporting and has its SIGN FACE or SIGN BASE on the ground and has no air space, columns, or supports visible between the ground and the bottom of the sign. A Ground/Monument sign is not attached to a pole or pylon and is not mounted on a man-made berm, wall, or similar structure. POLE/PYLON signs that have pole covers which extend from the base of the SIGN FACE to the ground shall not be considered Ground/Monument Signs.
- SIGN, HOME OCCUPATION IDENTIFICATION** – A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted. See also HOME OCCUPATION BUSINESS and NO-IMPACT HOME-BASED BUSINESS.

- SIGN, ILLUMINATED SIGN, EXTERNAL** – A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
- SIGN, ILLUMINATED SIGN, INTERNAL** – A sign lighted by a source of light contained within the sign structure or sign cabinet.
- SIGN, INFLATABLE** – A three-dimensional object filled with air or gas located in such a manner as to attract attention.
- SIGN, MARQUEE** – An integral part of the building consisting of a roof which is supported by the structure which roof may also be supported by columns or piers and which roof includes any PORCH, porticos and porte-cocheres, but does not include canopies or awnings.
- SIGN, MARQUEE SIGN** – A WALL SIGN attached to a MARQUEE.
- SIGN, MENU BOARD SIGN** – A sign that lists the various options of products, goods, or services provided for consumers by a business.
- SIGN, MURAL** – A hand-painted, hand-tiled, or digitally printed restorative image on the exterior wall of a building that does not contain any COMMERCIAL MESSAGE.
- SIGN, NITS** – The measure of the light emanating from an object; the measure used to quantify digital sign's brightness that is calculated by the total amount of light emitted from a sign divided by the surface area of the sign measured as candelas per square meter.
- SIGN, ON-PREMISE** – A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the lot where the sign is located.
- SIGN PANEL** – The primary surface of a sign that carries the identifying/advertising message.
- SIGN, PENNANT** – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- SIGN, POLE/PYLON SIGN** – A freestanding sign erected on a pole, poles, pylon, or pylons, or other supporting structure where the bottom edge of a sign face is installed above the ground. Pole/Pylon signs that have pole covers which extend from the base of the SIGN FACE to the ground shall not be considered Ground/Monument signs.
- SIGN, POLITICAL** – A sign that indicates the name, cause, or affiliation of a person seeking public or elected office or that references an issue for which a public election or referendum is scheduled to be held.
- SIGN, PORTABLE** – A sign not permanently attached to the ground or to a permanent STRUCTURE or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; or signs attached to or painted on vehicles parked and visible from the public ROW, unless the vehicle is used in the normal day-to-day operations of the business.
- SIGN, PROJECTION** – A sign that reproduces a remote image, by optical or any other means, on any surface.
- SIGN, PUBLIC UTILITY** – Signs in connection with the identification, operation, or protection of any public utility, and located on the same lot as the utility facility or

structure, provided that the total sign area on any one (1) street frontage does not exceed eight (8) square feet.

SIGN, REAL ESTATE SIGN – A TEMPORARY SIGN advertising the parcel or lot upon which the sign is located as being for rent, lease, or sale.

SIGN, RESIDENTIAL – A sign located in the A-R or R-1 Zoning District that contains no COMMERCIAL message except advertising for goods or services legally offered on the premises where the sign is located but only if offering such service at such location conforms to all requirements of this Ordinance.

SIGN, RESIDENTIAL DEVELOPMENT IDENTIFICATION – A sign used to identify the name of a residential development containing no COMMERCIAL message and located at the principal entrances of such development.

SIGN, ROOF SIGN – A sign erected on or attached to a roof or a sign attached to a building that projects above the highest point on a wall that supports the roofline.

SIGN, SAFETY CONTROL – A public safety sign pursuant to federal, state, or local public safety regulations.

SIGNBOARD – Any writing, printing, painting, display, emblem, drawing, graphic, electronic display, computerized display, or other device designed to be viewed by the public or designed and intended for advertising. This definition includes the STRUCTURE supporting the display.

SIGN, SITE DEVELOPMENT – A sign indicating that the LOT is in the process of being subdivided and/or developed for the future construction of dwellings or other buildings before any actual construction activity has begun.

SIGN, STATIC ALPHANUMERIC DISPLAY – A type of a DIGITAL SIGN that is only capable of displaying numbers and letters and that is not designed or programmed to flash, blink, move, or display multiple messages over a preset time interval.

SIGN, STREAMER – A string or strip of miniature or full size pennants or flags which may or may not be suspended between two (2) points.

SIGN, SUSPENDED – A sign that hangs from above a STRUCTURE or hangs into a vehicular or pedestrian access way, and that hangs more than one (1) foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building.

SIGN, TEMPORARY SIGN – Any sign, banner, PENNANT, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material, with or without frame, displayed for a period not exceeding thirty-one (31) days. General Temporary Signs may advertise grand openings, distress sales, or a change in ownership.

SIGN, TIME-AND-TEMPERATURE – A sign that indicates time and/or temperature.

SIGN, TRAFFIC CONTROL – A sign regulating traffic.

SIGN, WALL – Any sign painted on, attached to, or affixed to a BUILDING or STRUCTURE that is attached flat against the wall surface in such a way that only one (1) face of the sign is visible.

SIGN, WINDOW – Any sign, picture, symbol, or combination thereof, designed to communicate information that is affixed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SINGLE-FAMILY DWELLING – See “DWELLING TYPES.”

SITE – As defined in the Township SALDO.

SKILLED NURSING FACILITY – An inpatient healthcare facility with the staff and equipment to provide skilled care, rehabilitation, or other related health services to patients who need nursing care but do not require hospitalization and when stays are not more than ninety (90) days.

SOLAR COLLECTION SYSTEM – A solar photovoltaic cell, solar panel, solar array, solar hot air collector device, or solar water collector device that relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for generation of electricity or transfer of stored heat.

SOLAR ENERGY PRODUCTION FACILITY, LARGE – An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. A Large Solar Energy Production Facility consists of one (1) or more free-standing ground or roof mounted solar collector devices; solar related equipment; and other accessory structures and buildings including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. A facility is considered a Large Solar Energy Production Facility if it supplies electrical or thermal power solely for off-site use.

SOLAR ENERGY SYSTEM, SMALL – A solar collection system consisting of one (1) or more roof and/or ground-mounted solar collector devices and solar related equipment and is intended to primarily reduce on-site consumption of utility power. A system is considered a Small Solar Energy System only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SOLAR RELATED EQUIPMENT – Items intended to be used for collection of solar energy. These items may include a solar photovoltaic cell, solar panel, solar array, solar hot air collector device panels, solar water collector device panels, lines, pumps, batteries, mounting brackets, and the framing and foundations for these items.

SOLID WASTE COMBUSTOR OR INCINERATOR – A solid waste facility for the controlled burning of large quantities of solid waste at high temperatures under carefully regulated conditions.

SOLID WASTE LANDFILL FACILITY – All continuous land and structures, other appurtenances, and improvements on land that is used for processing, storing, or disposing of solid waste or used for the purpose of processing, extracting, converting, or recovering energy or materials from solid waste. A Solid Waste Landfill Facility may be publicly or privately owned and may consist of several processing, storage, or disposal operational units as required by the federal and/or state agency having jurisdiction.

SOLID WASTE TRANSFER STATION – Land or structures where solid waste is received and temporarily stored at a location other than the site where it was generated and that facilitate the bulk transfer of accumulated solid waste to a facility for further processing or disposal. A Solid Waste Transfer Station may or may not involve the separation of recyclables from solid waste. This definition shall not include a SALVAGE/JUNKYARD, leaf composting, clean fill, sewage, or sludge applications.

SOUND LEVEL – The intensity, measured in DECIBELS (dBa), of sound produced by the operation of a permitted use.

- SOUND LEVEL METER** – An instrument standardized by the American Standards Association for measurement of intensity of sound.
- STABLE** – The keeping of horses and/or ponies for personal use. Private stables shall be considered an ACCESSORY AGRICULTURAL BUILDING and must be paired with a permitted principal use allowed in the district.
- STABLE, COMMERCIAL** – The keeping of horses and/or ponies for public and/or commercial use. Commercial stables shall be considered a principal use on a lot and are distinct from an “Agricultural Operation.”
- STACK** – Any vertical STRUCTURE enclosing a flue(s) that carries off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extending above a roof.
- STEALTH TECHNOLOGY** – Camouflaging methods applied to WCF towers, antennas, and other facilities which render them more visually appealing or help blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods may consist of, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, and facilities constructed to resemble trees, shrubs, and light poles.
- STEEP SLOPE** – As defined in the Township SALDO.
- STORAGE BUILDING** – An accessory structure for storing goods and products related to a non-residential principal use.
- STORAGE YARD, ACCESSORY** – As an accessory use, an Accessory Storage Yard includes a portion of a lot or parcel which is not occupied by a building and is used to store materials associated with the permitted principal use. Materials and/or equipment within an Accessory Storage Yard are not offered for commercial sale nor are they accessible to the public. See also “SUPPLY YARD, ACCESSORY.”
- STORAGE YARD, PRINCIPAL** – As a principal use, a Principal Storage Yard is an otherwise vacant lot or parcel that is used to store construction, excavation, or site work equipment; pipe; vehicles; and/or construction, excavation, or site work materials. Materials and/or equipment within a Principal Storage Yard are not offered for commercial sale nor are they accessible to the public. See also “SUPPLY YARD, PRINCIPAL.”
- STORMWATER MANAGEMENT ORDINANCE** – The Franklin Township Stormwater Management Ordinance (No. 88 adopted May 2, 2011, as amended).
- STORY** – That portion of a building between the surface of any finished floor and the surface of the finished floor next above it or, if there shall be no floor above it, then the space between any floor and the ceiling next above it. In determining the number of stories for purposes of height measurement, a basement shall be counted as a story if the basement ceiling is more than five (5) feet above the average ground level of the entire front elevation of the structure at the front setback and a mezzanine shall be counted as a story if it covers fifty percent (50%) or more of the area of the story, floor, or foundation underneath such mezzanine. An attic or a cellar shall not be counted as a story.
- STREET** – Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrian traffic whether public or private. This term shall not include “DRIVEWAY.”

STREET TYPES: See also Section 202 in the Township SALDO.

STREET, PRIVATE – A recorded, private RIGHT-OF-WAY that provides vehicular access and that is privately owned and maintained.

STREET, PUBLIC – A public RIGHT-OF-WAY dedicated and open for public use that has been adopted by the Township, county, Commonwealth, or other governmental body.

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

SUBDIVISION – The division or redivision of a LOT, tract, or parcel of land by any means into two (2) 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.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO) – Franklin Township’s Subdivision and Land Development Ordinance (as adopted concurrently with this Ordinance).

SUBSTANTIALLY CHANGE OR SUBSTANTIAL CHANGE – A modification to an existing WIRELESS COMMUNICATION FACILITY substantially changes the physical dimensions of a tower or base station if it meets any of the following criteria: (1) for communications tower outside the public ROW, it increases the height of the facility by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater; for communications towers in the ROW it increases the height of the facility by more than ten (10%) percent or ten (10) feet, whichever is greater; (2) for communications tower outside the public ROW, it protrudes from the edge of the WCF by more than twenty (20) feet, or more than the width of the tower structures at the level off the appurtenance, whichever is greater; for those communications tower in the public ROW, it protrudes from the edge of the structure by more than six (6) feet; (3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; (4) it entails any excavation of deployment outside the current site or the communications tower; or (5) it does not comply with conditions associated with prior approval of construction or modification of the communications tower unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

SUPERVISORS – The Supervisors of Franklin Township, Butler County, PA.

SUPPLY YARD, ACCESSORY – As an accessory use, an Accessory Supply Yard shall include the portion of a lot or parcel that is not occupied by a building and is used for the display and/or sale of building materials, construction equipment, and/or goods associated with the permitted principal use. Supply Yards do not include the storage and sale of vehicles. See also “STORAGE YARD, ACCESSORY” and “VEHICLE SALES.”

SUPPLY YARD, PRINCIPAL – As a principal use, a Principal Supply Yard is an otherwise vacant lot or parcel that is not occupied by a building and is used for the display and sales of building materials, construction equipment, and/or goods typically stored

outdoors for sale to the public. Supply yards do not include the storage and sale of vehicles. See also "STORAGE YARD, PRINCIPAL, and VEHICLE SALES."

SWIMMING POOL – A man-made enclosure designed to impound water for the purpose of creating depth of water suitable for swimming, other types of water recreation, or therapy including but not limited to water slides, lap pools, whirlpools, soaking tubs, or hot tubs.

TANK FARM – An area used exclusively for storing petroleum or petroleum products in large tanks.

TATTOO PARLOR – An establishment in which tattooing is carried out professionally.

TAVERN OR BAR – Any use in which the primary purpose is the sale of alcoholic beverages for on-premises consumption and which may or may not include dancing. Taverns may include prepared food sales but such prepared foods are typically accessory or incidental to its primary purpose as a Tavern.

TAXI AND LIMOUSINE SERVICE – A fee-based service regulated by the Pennsylvania Public Utility Commission (PUC) that provides a vehicle and a driver from one (1) point to another.

TEMPORARY USE OR STRUCTURE – Any use or structure which may be a principal use on a lot or accessory to an existing principal use on a lot that is intended to be used for less than six (6) consecutive months in any three (3) year period. Structures intended to be used for more than six (6) months in any three (3) year period shall be considered permanent and shall meet the use and structure requirements for permanent structures. A temporary use shall not include signs identifying/advertising and/or directing the public to a business, merchandise, service, institution, residential area, or entertainment that is located, sold, rented, leased, produced, manufactured, and/or furnished at a place other than the real property on which said sign is located.

THEATER – A building or part of a building devoted to showing motion pictures or dramatic, dance, musical, or other live performances.

THEATER, DRIVE-IN – A structure consisting of a large outdoor screen, a projection booth, and a large parking area for automobiles. Within this enclosed area, customers can view movies from the privacy and comfort of their cars.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF) – A STRUCTURE that is used for the purpose of supporting one (1) or more antennas, including, but not limited to, self-supporting lattice towers, guy towers, monopoles, utility poles, and light poles. Distribution antenna system (DAS) hub facilities are considered to be Tower-based WCFs.

TOWING OR OTHER ROAD SERVICES – A service engaged in the business of offering the services of a vehicle wrecker or towing vehicle whereby disabled motor vehicles are towed or otherwise removed from the place they are disabled by use of a wrecker so designed for that purpose or by another vehicle so adapted for that purpose.

TOWNSHIP – The Township of Franklin, Butler County, PA.

TRAILER, SALES OR CONSTRUCTION – A temporary structure or mobile home to be used for the duration of the zoning, building, and grading permits issued for work on the same lot or parcel to provide temporary offices for personnel associated with the permitted Land Development.

TRAVEL TRAILER – See "RECREATIONAL VEHICLE."

TRAVEL TRAILER PARKS – See “CAMPGROUND.”

USE – Any purpose for which a BUILDING or other STRUCTURE or a tract of land may be designed, arranged, intended, maintained, or occupied or any activity, occupation, business, or operation carried on in a building, in a structure, or on a tract of land.

USE, ACCESSORY – A USE customarily incidental and subordinate to the principal use that is located on the same LOT as the principal use.

USE, BY SPECIAL EXCEPTION – An authorized use in a particular zoning district pursuant to Article III: District Regulations, Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses, and Article XI: Administration and Enforcement that is granted only by the Zoning Hearing Board in accordance with express standards and criteria.

USE, CONDITIONAL – An authorized use that is granted only by the Township Supervisors pursuant to express standards and criteria prescribed in this Ordinance, after review and recommendation by the Township Planning Commission, and HEARING by the Township Supervisors.

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

VARIANCE – Relief granted pursuant to the provisions of Articles VI and IX of the MPC.

VEHICLE RENTAL FACILITY – The rental of motor vehicles, watercraft, recreational vehicles, or travel trailers. A Vehicle Rental Facility may include outdoor display areas and showrooms, offices, and service areas within a completely enclosed building.

VEHICLE SALES – The sales of new or used motor vehicles, motorcycles, all-terrain vehicles, watercraft, recreational vehicles, and/or travel trailers. Vehicle Sales may include outdoor display areas and showrooms, offices, and service areas within a completely enclosed building. This definition shall not include MOBILE HOME SALES.

WAREHOUSE & STORAGE SERVICE – A structure primarily used for the storage of goods and materials that also includes refrigeration and cold storage services. The definition does not include DISTRIBUTION CENTER.

WATER INTAKE WELL – A site authorized by a permit from the Pennsylvania Department of Environmental Protection (DEP) for the drilling site for the production of a potable water supply.

WBCA – Pennsylvania Wireless Broadband Collocation Act (53 P.S. §§11702.1 et seq.)

WIND CHARGER – A wind-driven, direct-current generator used for charging storage batteries.

WIND ENERGY CONVERSION SYSTEM (WECS) – A device such as a wind charger, wind turbine, windmill, and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat and that consists of one (1) or more wind turbines and other structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

WIND ENERGY PRODUCTION FACILITY, LARGE – An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. A Large Wind Energy Production Facility consists of one (1) or more wind turbines, tower, and associated control or conversion electronics, and

other accessory structures and buildings including substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. A facility is considered a large wind energy production facility if it supplies electrical power solely for off-site use.

WIND ENERGY SYSTEM, SMALL – A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics that is intended to primarily reduce on-site consumption of utility power. A system is considered a Small Wind Energy System if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

WINDMILL – A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

WIND TURBINE – A device that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower, and pad transformer, if any.

WIRELESS – Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, Personal Communication Services, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF) – The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics, and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT OR APPLICANT) – Any person that applies for a WCF Building Permit, WCF zoning approval, and/or WCF permission to use the public RIGHT-OF-WAY.

WIRELESS SUPPORT STRUCTURE – A freestanding structure such as a TOWER-BASED WCF or any other support structure that could support the placement or installation of a WCF if approved by the Township.

YARD, FRONT – A yard extending between side LOT LINES across the full lot width from the front lot line to a line parallel to the front face of the structure of the principal use of the lot (See *Figure 1 – Yard Type Illustration*).

YARD, REAR – A yard extending between the side LOT LINES across the full lot width from the rear lot line to a line parallel to the rear face of the structure of the principal use of the lot (See *Figure 1 – Yard Type Illustration*).

YARD, SIDE – A yard extending from the front yard line to the rear yard line parallel to the side lot line (See *Figure 1 – Yard Type Illustration*).

ZONING DISTRICT – An area in the Township in which regulations under this Ordinance uniformly apply.

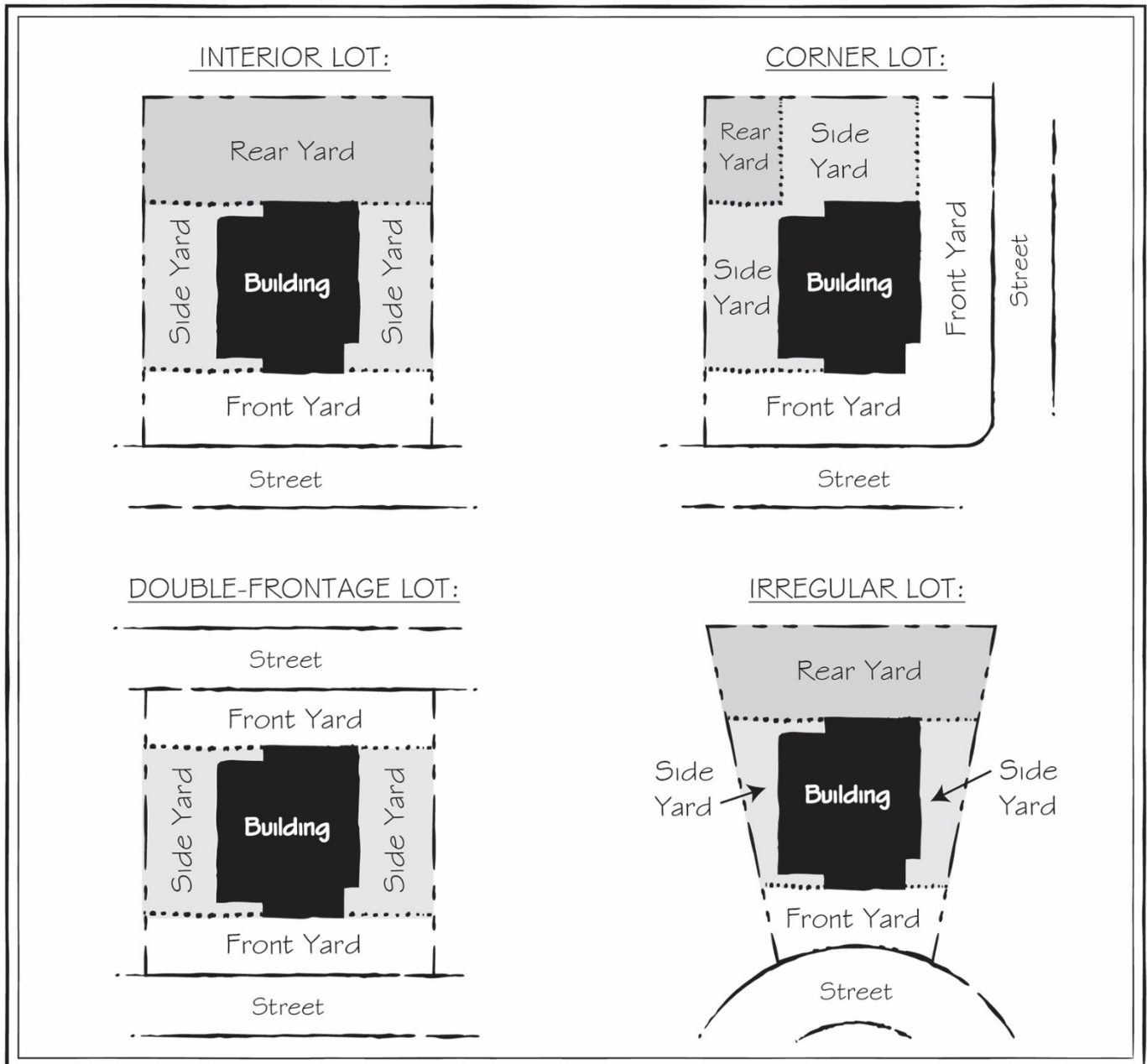
ZONING HEARING BOARD – The Zoning Hearing Board of Franklin Township, Butler County, Pennsylvania as defined by and appointed in accordance with the Pennsylvania MPC, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. §§ 10101 et seq., as may be amended from time-to-time).

ZONING MAP – The official map delineating the zoning districts of Franklin Township, Butler County, Pennsylvania, together with all amendments subsequently adopted.

ZONING OFFICER – The designated official or authorized representative appointed by the Township Supervisors whose duty it is to administer this Ordinance and who is identified in §614 of the Pennsylvania MPC, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. §§ 10101 et seq., as may be amended from time-to-time).

ZONING PERMIT – A permit issued indicating that a proposed use, building, or structure is in accordance with the provisions of the Zoning Ordinance.

Figure 1 – Yard Type Illustration



Article III: District Regulations

Section 301: Establishment of Districts

- A. This Section establishes zoning districts and describes the use regulations that apply to each district.
- 1) Base Zoning Districts establish districts that divide the Township into various residential, commercial, and industrial zones. Each district establishes uses that are Permitted as a use by Right (P); as a Conditional Use (CU); or as a Special Exception (SE). A use permitted by Right is compatible with the other uses within the purpose of the district and therefore requires only administrative approval. Conditional uses and special exceptions are those uses that may generate additional impacts and may warrant additional standards and approval processes to ensure their compatibility and compliance with these zoning requirements.

Section 302: Base Zoning Districts

- A. The Township is divided into the following zoning districts as shown in the Official Zoning Map attached hereto and incorporated herein. The following types of zoning districts are hereby established:
- | | |
|-----|-----------------------------------|
| A-R | Agricultural-Residential District |
| R-1 | Rural Residential District |
| C-1 | General Commercial |
| I | General Industrial District |
| S-C | Special Conservation District |

Section 303: New Zoning Districts

- A. Additional zoning districts may be added from time-to-time upon review by the Planning Commission and approval of the Township Supervisors pursuant to the MPC (53 P.S. §§ 10101 et seq., as may be amended from time-to-time).

Section 304: Official Zoning Map

- A. The map(s) delineating the boundaries of the various zoning districts, together with all matters and things shown on such map(s), are adopted and approved, and collectively constitute the "Official Zoning Map." The Official Zoning Map is incorporated by reference and made a part of this Zoning Ordinance. These map(s) are on file in the Township office. The Official Zoning Map carries the zoning district designations established in Section 302: Base Zoning Districts.

Section 305: Zoning District Boundaries

- A. When definite distances in feet are not shown on the zoning map, the following rules apply:

- 1) Boundaries indicated as approximately following the ROW or centerlines of streets, highways, or alleys shall be construed to follow the centerlines of streets, highways, or alleys;
- 2) Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines;
- 3) Boundaries indicated as approximately following Township limits shall be construed as following the Township boundary;
- 4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 5) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
- 6) Whenever any street, alley, or other public way not subject to zoning regulations is vacated by official action of the Township, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the center of such vacation and all areas so involved shall then be subject to all regulations of the extended districts; and
- 7) Where physical features existing on the ground vary from those shown on the Official Zoning Map, or in other circumstances where the zoning boundary is unclear, the Zoning Officer shall interpret the district boundaries. Appeals to such determination shall be made to the Zoning Hearing Board pursuant to this requirement of this Ordinance.

Section 306: Zoning District Allowable Uses

- A. No land, structure, building, or development approval shall be issued unless the proposed use and development conforms to the regulations prescribed within the applicable zoning district and this Ordinance.
- B. Three (3) classifications of principal uses are established in this Ordinance. No principal use is permitted unless it is listed as a Permitted Use by Right (P), Conditional Use (CU), or Special Exception (SE) and identified in Table 6 – Table of Authorized Principal Uses. Uses permitted as principal uses or structures within each zoning district are those uses listed in Table 6 – Table of Authorized Principal Uses. Uses not specifically listed in Table 6 – Table of Authorized Principal Uses are allowable subject to the provision of this section and Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses. The classification of uses include:
 - 1) Permitted uses by right (P) are those authorized uses for which a zoning approval will be issued by the Zoning Officer upon the Zoning Officer's review of the application for development if the application for development indicates compliance with this Ordinance.
 - 2) Conditional uses (CU) are those authorized uses which are permitted by approval of the Board of Supervisors in accordance with this Ordinance and more specifically Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses.
 - 3) Uses by special exception (SE) are those authorized uses which are permitted by approval of the Zoning Hearing Board in accordance with this Ordinance and more specifically Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses.

- C. Uses Not Listed. It is the intent of this Ordinance to group similar or compatible land uses into specific zoning districts. Uses which are not specifically listed in Table 6 – Table of Authorized Principal Uses and Table 7 – Table of Authorized Accessory Uses and Structures shall not be permitted in the Township unless determined to be a legitimate use or similar to a use specifically listed in Table 6 – Table of Authorized Principal Uses and Table 7 – Table of Authorized Accessory Uses and Structures. Uses which are not specifically listed but are similar to a specifically listed use shall be permitted by conditional use in the same zoning district in which the similar specifically listed use is permitted. The Board of Supervisors shall make findings with regard to the similarity of the uses. In the event the Board of Supervisors finds the use is similar and permissible as a conditional use within the proposed district, all standards and requirements related to the similar use within the district shall be applicable to the proposed use.
- D. In the Agricultural Residential (A-R) and Rural Residential (R-1) zoning districts there shall only be one (1) principal use and one (1) principal structure on a lot, with the exception of 'Natural Gas and Oil' and 'Agricultural Operations' uses.
- E. A maximum of three (3) principal uses and/or principal structures are permitted in General Commercial (C-1), General Industrial (I), and Special Conservation (S-C) zoning districts authorized by this Ordinance, provided in all cases that all applicable requirements for each of the structures or uses can be met on the lot.
- F. In addition to the provisions for principal uses, accessory uses shall also be permitted in accordance with the provisions of this Ordinance. In all zoning districts, all accessory uses and structures shall be located on the same lot with the principal structure and use to which they are accessory. Accessory use regulations are set forth in Article III: District Regulations.
- G. Uses Preempted By State Statute. Notwithstanding any provision of this Section to the contrary, uses that are required to be permitted in any zoning district by state or federal statute may be permitted in accordance with state or federal law whether or not the use is included in Table 6 – Table of Authorized Principal Uses and/or Table 7 – Table of Authorized Accessory Uses and Structures.

Section 307: Bulk and Area Regulations for Uses

- A. Bulk and area regulations for uses are specified in the tables in each Section for the specific zoning district.

Section 308: A-R – Agricultural-Residential

- A. Purpose. The purpose of the Agricultural-Residential (A-R) District is to provide for low density development in areas of the Township where the existing agricultural economy, open space, and rural character of the Township should be preserved.
- B. Authorized Principal Uses: See Table 6 – Table of Authorized Principal Uses for authorized principal uses and method of authorization in the A-R district.
- C. Authorized Accessory Uses: See Table 7 – Table of Authorized Accessory Uses and Structures for authorized accessory uses and method of authorization in the A-R district.

- D. Area and bulk regulations: The area and bulk regulations within the A-R zoning district shall be subject to the standards identified in Table 1 – Agricultural-Residential Bulk & Areas except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, and uses by special exception.
- E. Off-street parking and loading. See Article VI: Parking for off-street parking and loading requirements.

TABLE 1 – AGRICULTURAL-RESIDENTIAL BULK & AREAS

Bulk and Areas Regulations A-R Zoning District	
Lot Size (minimum)	43,560 s.f.
Lot Width (minimum)	100 ft.
Height (maximum)	40 ft.*
Front Setback (minimum)	40 ft.
Side Setback (minimum)	15 ft.
Rear Setback (minimum)	50 ft.
Lot Coverage (maximum including impervious surfaces)	35 percent
Accessory Use Side Setback (minimum)	15 ft.
Accessory Use Rear Setback (minimum)	10 ft.
*Height restrictions shall not apply to agricultural structures and/or uses.	

Section 309: R-1 – Rural Residential

- A. Purpose. The purpose of the Rural Residential (R-1) District is to provide for moderate density development in areas with adequate access to collector roadways and the potential for public utilities.
- B. Authorized Principal Uses: See Table 6 – Table of Authorized Principal Uses for authorized principal uses and method of authorization in the R-1 district.
- C. Authorized Accessory Uses: See Table 7 – Table of Authorized Accessory Uses and Structures for authorized accessory uses and method of authorization in the R-1 district.
- D. Area and bulk regulations: The area and bulk regulations within the zoning district shall be subject to the standards identified in Table 2 – Rural Residential Bulk & Areas except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- E. Off-street parking and loading. See Article VI: Parking for off-street parking and loading requirements.

TABLE 2 – RURAL RESIDENTIAL BULK & AREAS

Bulk and Areas Regulations R-1 Zoning District				
	Single-Family Dwellings	Duplex & Townhomes**	Quadruplex and Multifamily Units**	All Other Nonresidential Uses
Lot Size (minimum)	20,000 s.f. (with sewer) 43,560 s.f. (without sewer)	6,000 sq. ft. per unit	4,000 sq. ft. per unit	20,000 s.f. (with sewer) 43,560 s.f. (without sewer)
Lot Width (minimum)	100 ft.	45 ft.	100 ft.	100 ft.
Height (maximum)	40 ft.	40 ft.	40 ft.	40 ft.*
Front Setback (minimum)	40 ft.	40 ft.	40 ft.	40 ft.
Side Setback (minimum)	15 ft.	15 ft.***	15 ft.***	15 ft.
Rear Setback (minimum)	50 ft.	50 ft.	50 ft.	50 ft.
Lot Coverage (maximum including impervious surfaces)	35 percent	35 percent	50 percent	35 percent
Accessory Use Side Setback (minimum)	15 ft.	15 ft.	15 ft.	15 ft.
Accessory Use Rear Setback (minimum)	10 ft.	10 ft.	10 ft.	10 ft.
<p>* Height restrictions shall not apply to agricultural structures and/or uses.</p> <p>** Subject to conditional use standards within Article IV of this Ordinance.</p> <p>*** Attached dwelling units and/or their accessory garages, may be constructed on adjoining lots without setbacks between attached units provided that a common wall or party wall agreement, deed restriction or other enforceable restriction has been recorded.</p>				

Section 310: C-1 – General Commercial

- A. Purpose. The purpose of the General Commercial (C-1) District is to provide for community-scaled retail, professional office, and service-oriented development along the State Route 422 Highway corridor.
- B. Authorized Principal Uses: See Table 6 – Table of Authorized Principal Uses for authorized principal uses and method of authorization in the C-1 district.
- C. Authorized Accessory Uses: See Table 7 – Table of Authorized Accessory Uses and Structures for authorized accessory uses and method of authorization in the C-1 district.
- D. Area and bulk regulations: The area and bulk regulations within the C-1 zoning district shall be subject to the standards identified in Table 3 – General Commercial Bulk & Areas, except

as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.

- E. Off-street parking and loading. See Article VI: Parking for off-street parking and loading requirements.

TABLE 3 – GENERAL COMMERCIAL BULK & AREAS

Bulk and Areas Regulations C-1 Zoning District	
Lot Size (minimum)	20,000 s.f. (with sewer) 43,560 s.f. (without sewer)
Lot Width (minimum)	100 ft.
Height (maximum)	60 ft.
Front Setback (minimum)	40 ft.
Side Setback (minimum)	15 ft.
Rear Setback (minimum)	50 ft.
Lot Coverage (maximum)	50 percent

Section 311: I – General Industrial

- A. Purpose. The purpose of the General Industrial (I) District is to provide for a variety of light manufacturing and distribution uses within the Township that have access to a major highway.
- B. Authorized Principal Uses: See Table 6 – Table of Authorized Principal Uses for authorized principal uses and method of authorization in the I district.
- C. Authorized Accessory Uses: See Table 7 – Table of Authorized Accessory Uses and Structures for authorized accessory uses and method of authorization in the I district.
- D. Area and bulk regulations: The area and bulk regulations within the I zoning district shall be subject to the standards identified in Table 4 – General Industrial Bulk & Areas except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses and uses by special exception.
- E. Off-street parking and loading. See Article VI: Parking for off-street parking and loading requirements.

TABLE 4 – GENERAL INDUSTRIAL BULK & AREAS

Bulk and Areas Regulations I Zoning District	
Lot size (minimum)	43,560 s.f.
Lot Width (minimum)	100 ft.
Height (maximum)	60 ft.
Front Setback (minimum)	50 ft.
Side Setback (minimum)	30 ft.
Rear Setback (minimum)	50 ft.
Lot Coverage (maximum)	45 percent

Section 312: S-C – Special Conservation

- A. Purpose. The Special Conservation (S-C) District is intended to protect environmentally sensitive areas within the Township while providing appropriate recreational opportunities.
- B. Authorized Principal Uses: See Table 6 – Table of Authorized Principal Uses for authorized principal uses and method of authorization in the S-C district.
- C. Authorized Accessory Uses: See Table 7 – Table of Authorized Accessory Uses and Structures for authorized accessory uses and method of authorization in the S-C district.
- D. Area and bulk regulations: The area and bulk regulations within the S-C zoning district shall be subject to the standards identified in Table 5 – Special Conservation Bulk & Areas, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses and uses by special exception.
- E. Off-street parking and loading. See Article VI: Parking for off-street parking and loading requirements.

TABLE 5 – SPECIAL CONSERVATION BULK & AREAS

Bulk and Areas Regulations S-C Zoning District	
Lot size (minimum)	80,000 s.f.
Lot Width (minimum)	200 ft.
Height (maximum)	40 ft.
Front Setback (minimum)	50 ft.
Side Setback (minimum)	20 ft.
Rear Setback (minimum)	50 ft.
Lot Coverage (maximum)	35 percent

Section 313: Table of Authorized Principal Uses

- A. The Table of Authorized Principal Uses establishes the authorized principal uses and the zoning districts where the principal use is authorized and method of authorization. The abbreviations set forth below are used in Table 6 – Table of Authorized Principal Uses.

P – Permitted Use by Right

SE – Use by Special Exception

CU – Conditional Use

Where blank, the use is not permitted in the corresponding district.

TABLE 6 – TABLE OF AUTHORIZED PRINCIPAL USES

Use	A-R	R-1	C-1	I	S-C
Adaptive Reuse**	CU	CU			
After Hours Club**			CU		
Agricultural Operations*	P	CU			
Airport*	CU				
Airport Control Tower*	CU				
Ambulance Station*			CU		
Amphitheater*			CU		
Amusement Arcade*			CU		
Amusement Park**			CU		
Animal Cemetery*	CU				
Animal Day Care**			CU		
Animal Groomer**			CU		
Animal Hospital & Veterinarian Service**			CU		
Animal Production				CU	
Aquarium / Zoo*			CU		
Art Gallery			P		
Arts & Craft Studio			P		
Asphalt / Concrete Plant**				CU	
Assisted Living Facility	(see "Care Facilities and Elderly Housing")				
Auditorium			CU		
Automobile Repair and Service**			CU		
Bakery, Retail			P		
Bed & Breakfast Inn**		CU			
Beverage Distributor*			CU		
Billboard**			CU		
Boarding House**			CU		
Brewery				P	
Bus or Truck Maintenance Facility**				CU	
Bus Terminal				P	
Campground**	CU				
Car Wash*			CU	CU	
Care Facilities and Elderly Housing:					
Assisted Living Facility**		CU	CU		
Life Care Community**		CU	CU		
Nursing Home**		CU	CU		
Retirement Housing Facility**		CU	CU		
Catering (Kitchen/food prep only)			P		
Catering/Event Venue*			CU		
Cemetery & Mausoleums	P	P			
Clubs/Lodges (not including commercial recreation uses)*	CU		CU		
College/University*			CU		

TABLE OF AUTHORIZED PRINCIPAL USES (cont.)

Use	A-R	R-1	C-1	I	S-C
Commercial Motor Vehicle Repair**				CU	
Commercial Recreation – Indoor**			CU		
Commercial Recreation - Outdoor**			CU		P
Community Center**		CU			
Conference Center*			CU		
Construction-related Business			P	P	
Convenience Store**			CU		
Conversion Dwellings	(see "Dwelling Types")				
Correctional Facility**				CU	
Custom Printing			P		
Day Care Center, Adult**			CU		
Day Care Center, Child**			CU		
Distillery				P	
Distribution Center*				CU	
Dormitories*			CU		
Dwelling Types:					
Conversion Dwellings**		CU			
Duplex**		CU			
Mobile Home	P	P			
Multifamily Dwellings**		CU			
Quadruplex**		CU			
Single-family	P	P			
Townhomes**		CU			
Duplex	(see "Dwelling Types")				
Educational Institution*			CU		
Emergency Operation Center*			CU		
Emergency Shelter*			CU		
Essential Services*	CU	CU	CU	P	CU
Extended Stay Hotel/Motel*			CU		
Farmers Market*			CU		
Financial Institution			P		
Fire Station*			CU		
Flea Market*			CU		
Forestry	P	P	P	P	P
Funeral Home/Crematorium			P		
Garden Center			P		
Gas/Fuel station**			CU		
Golf Course		P	P		
Golf Driving Range		P	P		
Grain Silos	P				
Greenhouses / Nurseries	P				
Group Care Facility*			CU		
Group Home	P	P			
Hazardous Waste Recycling Facility*				CU	

TABLE OF AUTHORIZED PRINCIPAL USES (cont.)

Use	A-R	R-1	C-1	I	S-C
Heavy Equipment Repair & Business**				CU	
Heliport Facility*				CU	
Hospital*			CU		
Hotel			P		
Kennel**	CU				
Laboratory				P	
Landscape Business**	CU		CU		
Laundromat			P		
Library		P	P		
Life Care Community	(see "Care Facilities and Elderly Housing")				
Live-work Units**			CU		
Magistrate Office & Court			P		
Manufacturing Facility, Light*			CU	P	
Manufacturing Facility, Heavy				P	
Massage Establishment*			CU	CU	
Medical Clinic			P		
Medical Offices			P		
Methadone Treatment Facility**			CU		
Micro-brewery**			CU		
Micro-distillery**			CU		
Mineral Development**	CU				
Mixed-use**			CU		
Mobile Home	(see "Dwelling Types")				
Mobile Home Park**		CU			
Mobile Home Sales*			CU	P	
Motel			P		
Multifamily Dwellings	(see "Dwelling Types")				
Municipal Building	P	P	P		
Natural Gas and Oil Well Development (subject to <i>Section 508: Natural Gas and Oil Well Site Development</i>)	P		P	P	
Natural Gas Compressor Station**	CU		CU	CU	
Natural Gas Processing Plant**			CU	CU	
Nature Preserve	P				P
Night Club**			CU		
Nursing Home	(see "Care Facilities and Elderly Housing")				
Offices, Business & Professional			P		
Park	P	P	P	P	P
Park and Ride Facility*			CU	P	
Parking Lot, Commercial*				CU	
Parking Structure, Commercial*			CU		
Pawn Shop			P		

TABLE OF AUTHORIZED PRINCIPAL USES (cont.)

Use	A-R	R-1	C-1	I	S-C
Personal Services			P		
Pharmacy			P		
Place of Worship		P	P		
Planned Residential Development (PRD)	<i>See Article IX: Planned Residential Development</i>				
Police Station*			CU	P	
Post Office			P		
Power Generation Facility - Electric**				CU	
Quadruplex	(see "Dwelling Type")				
Railroad Facility*				CU	
Recording Studio			P		
Recycling Business**				CU	
Repossession Business*				CU	
Research and Development				P	
Restaurant			P		
Restaurant, Drive-in			P		
Restaurant, Neighborhood			P		
Retail Store			P		
Retirement Housing Facility	(see "Care Facilities and Elderly Housing")				
Roadside Stand	P		P		
Salt Storage Facility**	CU		CU		
Salvage/ Junk Yard**				SE	
School*	CU	CU	CU		
Self-storage Facility**				CU	
Sewage Treatment Plant*	CU			CU	
Sexually-oriented and Adult Businesses**				SE	
Shopping Center**			CU		
Short-term Rental, Principal**	CU	CU			
Single-family Home	(see "Dwelling Type")				
Skilled Nursing Facility**			CU		
Solar Energy Production Facility, Large**				CU	
Solid Waste Combustor or Incinerator**				CU	
Solid Waste Landfill Facility**				CU	
Solid Waste Transfer Station**				CU	
Stable, Commercial*	CU				
Storage Yard, Principal**				CU	
Supply Yard, Principal**				CU	
Tank Farms**				CU	
Tattoo Parlor			P		
Tavern or Bar**			CU		
Taxi and Limousine Service*				CU	
Theater*			CU		
Theater, Drive-in*			CU		

TABLE OF AUTHORIZED PRINCIPAL USES (cont.)

Use	A-R	R-1	C-1	I	S-C
Towing or Other Road Services**				CU	
Townhomes	(see "Dwelling Type")				
Vehicle Sales**			CU	CU	
Vehicle Rental Facility**			CU	CU	
Warehouse & Storage Services				P	
Water Intake Wells*	CU	CU	CU	CU	CU
Wind Energy Production Facility, Large**				CU	
Wireless Communications Facilities (WCF)	<i>Subject to Article VIII: Wireless Communications Facilities</i>				
Uses Not Listed**	<i>Subject to Section 460: Uses Not Listed</i>				
* Subject to the general standards of all conditional uses and special exceptions within <i>Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses</i> (where applicable).					
** Subject to the express standards within <i>Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses</i> .					

Section 314: Accessory Uses and Structures

- A. Applicability. This section applies to any subordinate use of a building or other structure or use of land that is:
- 1) Conducted on the same lot as the principal use to which it is related and
 - 2) Clearly incidental to, and customarily found in connection with, the principal use or structure.
- B. Establishment of Accessory Uses.
- 1) Accessory structures, buildings, or uses shall not be constructed or established on a lot until construction of the principal structure is completed or the principal use is established.
 - 2) In no instance shall an accessory building or use be established on a vacant lot.

Section 315: Table of Authorized Accessory Uses and Structures

- B. Accessory uses shall be permitted in accordance with Table 7 – Table of Authorized Accessory Uses and Structures. The abbreviations set forth below are used in Table 7 – Table of Authorized Accessory Uses and Structures.

P – Permitted Use by Right

SE – Use by Special Exception

CU – Conditional Use

Where blank, the use is not permitted in the corresponding district.

TABLE 7 – TABLE OF AUTHORIZED ACCESSORY USES AND STRUCTURES

Use	A-R	R-1	C-1	I	S-C
Accessory Dwelling Unit**	CU				
Agricultural Operations, Accessory	P	P			
Amusement Arcade			P		
Carport***	P	P			
Community Food Bank*		CU	CU		
Day Care, Home-based**	CU	CU			
Deck	P	P			
Drive-through Facilities**			CU		
Fence and Walls***	P	P	P	P	P
Garage, Private***	P	P			
Gazebo	P	P	P	P	
Greenhouse, Private	P	P			
Home Occupational Business**	CU	CU			
Hot Tubs and Outdoor Spas	P	P			
Loading Space/Berth			P	P	
No-Impact Home-Based Business	P	P	P	P	
Outdoor Dining			P		
Outdoor Hydronic Heater***	P	P			
Parking Structure, Accessory			P	P	
Patio	P	P	P	P	
Porch	P	P	P	P	
Roadside Stand, Accessory***	P	P	P		
Shed***	P	P			
Short-term Rental, Accessory**	CU	CU			
Signs	Subject to <i>Article VII: Signs</i>				
Solar Energy System, Small	P	P	P	P	
Storage Building***			P	P	
Storage Yard, Accessory**				CU	
Supply Yard, Accessory**			CU	CU	
Swimming Pool***	P	P			
Temporary Use Structure	P	P	P	P	
Tennis/Basketball/Sports Courts	P	P			P
Trailer, Sales or Construction ***	P	P	P	P	
Wind Energy System, Small***	P	P	P	P	
Wireless Communications Facilities (WCF)	Subject to <i>Article VIII: Wireless Communications Facilities</i>				
Any other building or use that is customarily incidental to the permitted principal use or principal building*	CU	CU	CU	CU	CU
All accessory uses and structures are subject to <i>Section 316: General Standards for all Accessory Uses and Structures</i> . Additional standards include: * Subject to the general standards of all conditional uses within <i>Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses</i> (where applicable). ** Subject to the express standards within <i>Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses</i> . *** Subject to <i>Section 317: Specific Standards for Accessory Uses</i> .					

Section 316: General Standards for all Accessory Uses and Structures

- A. Permitted Accessory Uses. Accessory uses and structures permitted by this Ordinance are listed in Table 7 – Table of Authorized Accessory Uses and Structures.
- B. If an accessory structure or building is attached to the principal structure, then it shall be considered part of the principal structure and shall be subject to all requirements relating to the principal structure. Detached private garages, storage buildings, and sheds shall maintain a separation of at least ten (10) feet from the principal structure.
- C. Location of accessory structures and uses.
 - 1) Accessory structures and uses, with the exception of authorized signs and fences, shall not be located in the required front yard.
 - 2) The location of permitted nonresidential accessory structures is governed by the same dimensional regulations as set forth for the principal use or principal structure or structures.
 - 3) All permanent accessory structures shall be set back a minimum of fifteen (15) feet from any side property line or ten (10) feet from a rear property line except where specifically authorized or required elsewhere in this Ordinance.
 - 4) Accessory uses shall be conducted on the same lot as the principal use to which it is related and shall be clearly incidental to, and customarily found in connection with, the principal use or structure.
- D. Accessory structures shall be counted towards the maximum lot coverage on a lot and in no case shall exceed the maximum lot coverage for the district in which it is located when considering all structures on the lot.
- E. Accessory uses shall not include the conduct of trade or business unless permitted in conjunction with an authorized principal use that permits trade or business.
- F. On lots two (2) acres or less, not more than one (1) accessory structure by type shall be permitted on an individual lot (e.g. shed, play structure, etc.) with the exception of accessory agricultural structures.
- G. Accessory structures shall not exceed the height of the principal structure unless the accessory structure is directly related to an agricultural operation.
- H. For agriculture accessory structures only, structures may be built and utilized on a directly adjacent lot without having to consolidate the lots.

Section 317: Specific Standards for Accessory Uses

- A. Agricultural Operation, Accessory.
 - 1) Permitted non-commercial livestock shall include:
 - a) Horses, Cows, Llamas, Mules, and similarly sized animals;
 - b) Goats, Sheep, and similarly sized animals; and
 - c) Chickens / Fowl and Honeybees subject to the standards below.

- 2) Large animals (livestock of the bovine, equine, or camelid families) shall be permitted at a density of one (1) animal for each (2) two acres of lot area used for housing and pasturing of livestock.
- 3) Medium-size animals (livestock of the sheep family or similar sizes) shall be permitted at a density of one (1) animal for each (1) one acre of lot area used for housing and pasturing of livestock.
- 4) The keeping of non-commercial livestock shall be permitted as an accessory use only where there is an occupied residence.
- 5) Accessory agricultural buildings shall meet the required setbacks of the underlying zoning district.
- 6) Structures for the storage of products grown on-site shall be located not less than 100 feet from the closest existing off-site residential use and outside of any existing well protection area.
- 7) No stable or building providing shelter for animals shall be located less than fifty (50) feet from any lot line.
- 8) All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor.
- 9) The keeping of chickens and fowl shall be additionally subject to the following regulations:
 - a) Keeping of chickens and fowl requires a minimum lot size of one (1) acre. Lots or properties that meet the minimum lot size are permitted eight (8) poultry birds per acre.
 - b) Roosters are not permitted.
 - c) The minimum coop size shall be sufficient to permit free movement of the chickens.
 - d) Coops shall be stationary, enclosed with solid material on all sides, have a solid roof, and vents to ensure adequate ventilation. Coops shall be predator-proof and provide shelter from moisture and extremes of temperatures.
 - e) Outdoor roaming areas for poultry birds shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic and to minimize external impacts of the outdoor roaming areas.
 - f) All seed, fertilizer, and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
 - g) All structures necessary for and related to the housing of chickens shall be subject to the required accessory use setbacks and shall not be permitted in the required front yard of the principal residential structure.
- 10) Honeybee apiaries shall be additionally subject to the following regulations:
 - a) For property with a minimum of one (1) acre in size, the property owner is permitted to keep two (2) honeybee apiaries. For every additional 2,000 square feet of property, the owner is permitted one (1) additional honeybee apiary.
 - b) Beekeeping facilities must be consistent with the Pennsylvania Department of Agriculture "Best Management Practices (BMP) for Maintaining European Honey Bee colonies in the Commonwealth of Pennsylvania."

- c) The apiary must be properly registered with the Pennsylvania Department of Agriculture, Bureau of Plant Industry, pursuant to applicable Pennsylvania state laws.
 - d) Ownership, care, and control of the honey bees shall be the responsibility of a resident of the dwelling on the lot or the individual listed on the registration.
 - e) All structures necessary for and related to the housing of honeybees shall be subject to the required accessory use setbacks and shall not be permitted in the required front yard of the principal residential structure.
- 11) For all colonies located on a property, a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, or dense hedge parallel to the property line and extending at least ten (10) feet beyond the apiary in each direction is required. A flyway barrier is not needed if the beehive is kept at least eight (8) feet off the ground.
- B. Accessory Dwelling Units.
- 1) Subject to the conditional use standards found in Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses.
- C. Carports.
- 1) The maximum size and height of carports are listed in Table 8 – Carport Size & Heights.

TABLE 8 – CARPORT SIZE & HEIGHTS

Maximum Size and Height of Carports		
Lot size	Gross Floor Area	Height of Structure
Lots ≤ 1 Acre	675 sq. ft. (maximum)	15 ft.
Lots > 1 Acre ≤ 2 Acres	800 sq. ft. (maximum)	20 ft.
Lots > 2 Acres	1,000 sq. ft. (maximum)	20 ft.

- D. Fence and Walls.
- 1) General Requirements for Fences and Walls.
 - a) No fence in any district shall be erected in such a manner so as to obstruct visibility at a street or driveway intersection.
 - b) Fences for public or private tennis courts and similar outdoor recreational facilities may be erected up to ten (10) feet in height, if constructed of a chain link material.
 - c) A retaining wall of any height may be erected along any property line or in any required yard where it is needed to prevent a landslide or other hazardous condition. The location and placement of retaining walls shall meet the requirements of the Township's SALDO.
 - 1) A wall in excess of six (6) feet in height shall have a safety feature placed along the top of the wall such as a fence or railing erected along in all areas that exceed six (6) feet.

- d) Fences located along a property boundary shall be set back a minimum of twenty-four (24) inches from the property line.
 - e) The owner of any fence or wall shall be responsible for maintaining it and any grass or landscaping on either side in good repair. If a fence or wall is not being properly maintained, the Zoning Officer shall give written notice to the owner to repair or remove the fence or wall within the time period stipulated by the notice. Failure to comply with the order shall be considered a violation of this Ordinance.
 - f) Barbed wire fences shall not be permitted in conjunction with a residential use.
- 2) Fences and Walls Accessory to a Nonresidential Use. The following fences and walls may be erected as an accessory structure to a nonresidential use in any yard:
- a) Masonry or concrete walls not exceeding three (3) feet in height.
 - b) Fences with fifty percent (50%) or less of the surface area being opaque and not exceeding eight (8) feet in height.
 - c) Fences with more than fifty percent (50%) of the surface area being opaque and not exceeding six (6) feet in height.

E. Garage, Private

- 1) A private garage may include the maximum storage of one (1) private vehicle not registered to family and/or individuals living within the permitted principal use.
- 2) No part of an accessory private garage shall be occupied as a residential living area.
- 3) The maximum size and height of detached garages are listed in Table 9 – Detached Garage Size & Heights.

TABLE 9 – DETACHED GARAGE SIZE & HEIGHTS

Maximum Size and Height of Private Garages		
Lot size	Gross Floor Area	Height of Structure
Lots ≤ 1 Acre	675 sq. ft. (maximum)	15 ft.
Lots > 1 Acre ≤ 2 Acres	800 sq. ft. (maximum)	20 ft.
Lots > 2 Acres ≤ 3 Acres	1,000 sq. ft. (maximum)	20 ft.
Lots > 3 Acres	N/A	N/A

F. Outdoor Hydronic Heater.

- 1) Outdoor hydronic heaters are only permitted on properties that exceed two (2) acres in size.
- 2) Heaters shall not be located closer than thirty (30) feet from any property line.

G. Roadside Stand, Accessory.

- 1) Accessory roadside stands shall only be operated by the resident and/or owner of the permitted principal structure.

- 2) All parking for salespeople and customers shall be on the property of the landowner and there shall be no parking permitted on a ROW.
- 3) Roadside stands shall be set back a minimum of ten (10) feet from any property line or ROW.

H. Shed.

- 1) No part of a shed shall be occupied as a residential living area.
- 2) The maximum size and height of sheds are listed in Table 10 – Shed Size & Heights.

TABLE 10 – SHED SIZE & HEIGHTS

Maximum Size and Height of Sheds		
Lot size	Gross Floor Area	Height of Structure
Lots ≤ 0.5 Acres	144 sq. ft. (maximum)	15 ft.
Lots > 0.5 Acre ≤ 1 Acres	400 sq. ft. (maximum)	15 ft.
Lots > 1 Acres	650 sq. ft. (maximum)	15 ft.

I. Short-term Rental, Accessory.

- 1) Subject to the conditional use standards found in Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses.

J. Solar Energy System, Small.

- 1) Zoning approval is required for the construction of any solar-energy facility that includes a surface greater than thirty (30) square feet and is a free-standing accessory structure. Roof-mounted residential solar systems shall not require zoning approval.
- 2) The Zoning Permit application shall indicate the location of the proposed facility, including the percentage of roof coverage if the facility is not mounted on an accessory structure.
- 3) The Applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
- 4) Where the installation of the facility constitutes Land Development, all provisions of applicable ordinances shall be met.
- 5) Noise from a solar-energy facility shall not exceed fifteen (15) decibels (dBa) at the lot line unless all affected adjacent property owners shall have executed a nondisturbance easement, covenant, or consent which has been recorded in the office of the Recorder of Deeds of Butler County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in *AWEA Standard 2.1 – 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."*

- 6) Construction of any solar-energy facility shall comply with all applicable rules, laws, and regulations of the United States Federal Aviation Administration (FAA). Documentation of compliance shall be provided to the Township.
 - 7) To the extent applicable, all solar-energy facilities shall comply with the Pennsylvania UCC and the regulations adopted by the Pennsylvania Department of Labor and Industry.
 - 8) Solar-energy facilities shall not display advertising except for reasonable identification of the facility manufacturer.
 - 9) Transmission and power lines shall be placed underground or out of sight.
 - 10) Where installed on the roof of a building, no solar-energy facility shall be installed such that more than fifty percent (50%) of each roof area is covered by the facility.
 - 11) No solar-energy facility or facilities may exceed in total thirty percent (30%) of the total lot or site area.
 - 12) Solar-energy facilities shall meet the accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no such setback is specified, the facility shall be no closer than ten (10) feet to any property line.
 - 13) No facility shall be attached to a tree or any other natural object or structure not intended to support such a facility, except that facilities may be appropriately attached to buildings capable of accommodating them.
 - 14) No facility shall be installed immediately adjacent to a swimming pool or other open body of water.
- K. Storage Building.
- 1) The location of permitted storage buildings are governed by the same dimensional regulations as set forth for the principal use or principal structure or structures in the underlying zoning district.
 - 2) No part of an accessory storage building shall be occupied as a residential living area.
- L. Storage Yard, Accessory.
- 1) Subject to the conditional use standards found in Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses.
- M. Supply Yard, Accessory.
- 1) Subject to the conditional use standards found in Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses.
- N. Swimming Pool.
- 1) In residential areas, pools and accessory decks attached to a pool shall be erected only in a rear yard, provided that they satisfy the required accessory use setbacks.
 - 2) All pools in all zoning districts shall include a barrier as required by the Township Building Code, as amended.
 - 3) Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
- O. Trailer, Construction or Sales.

- 1) Construction trailers shall be permitted in any district of the Township subject to the following restrictions:
 - a) Construction and/or sales trailers shall conform to the Township's Building Code.
 - b) Such construction and/or sales trailers shall be located on the lot on which construction is progressing and shall not be located within twenty-five (25) feet of the boundary line of any abutting residential lot.
 - c) Such construction trailers and construction sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies and not for any dwelling use whatsoever.
 - d) No combustible materials shall be stored in the construction trailer or construction shed.
 - e) All construction trailers or construction sheds shall have at least ten (10) feet on all sides for clearance. Two (2) or more construction trailers can be joined for passage from trailer to trailer.
 - f) Such construction trailers shall not be moved to or construction sheds erected on a construction site until the date on or after which construction actually commences and shall be removed from such site within thirty (30) days after completion of construction. If construction is interrupted and ceases for more than sixty (60) days, the construction trailer shall be removed until actual construction commences again.
 - g) Construction and sales trailers shall not have any sewage or septic system unless specifically authorized by the Township.
- P. Wind Energy System, Small.
 - 1) Township zoning approval is required prior to the construction of any wind-energy facility that produces more than 1000 watts of energy.
 - 2) The zoning permit application shall indicate the location of the proposed facility.
 - 3) The Applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
 - 4) Where the installation of the facility constitutes Land Development, all provisions of applicable Ordinances shall be met.
 - 5) Noise from any wind-energy facility shall not exceed fifteen (15) decibels (dBa) at the lot line, unless all affected adjacent property owners shall have executed a nondisturbance easement, covenant, or consent which has been recorded in the office of the Recorder of Deeds of Butler County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in *AWEA Standard 2.1 – 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."*
 - 6) Construction of any wind-energy facility shall comply with all rules, laws, and regulations of the United States FAA. Documentation of compliance shall be provided to the Township.

- 7) To the extent applicable, all wind-energy facilities shall comply with the Pennsylvania UCC and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- 8) All electrical components of wind-energy facilities shall conform to relevant and applicable local, state, and national codes and relevant and applicable international standards.
- 9) Wind-energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority that regulates air safety.
- 10) Wind-energy facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
- 11) Transmission and power lines shall be placed underground or out of sight.
- 12) Setbacks.
 - a) From buildings: one and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part; except where the facility is mounted to a building, the setback shall not be required between the facility and the building to which it is attached.
 - b) From property lines: one and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
 - c) From public roads: one and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
- 13) Each vertically oriented wind-energy facility mounted on a building shall be separated from any other wind-energy facility by one and one-tenth (1.1) times the height of the facility, measured from the point at which the facility is mounted to the building to the highest reach of any movable or immobile part of the facility.
- 14) Any wind-energy facility that is an accessory structure shall meet the applicable accessory structure setbacks that may apply in the zoning district within which the facility is constructed; and where no such setback is specified, the facility shall be no closer than ten (10) feet to any property line or the distance set forth above, whichever is greater.
- 15) Maximum height: where the facility is an independent structure and not mounted to a building, fifty (50) feet maximum height in residential zoning districts and 120 feet maximum height in commercial districts, measured from ground level to the tip of the wind-energy facility's blade fully extended perpendicular to the ground plane. Where the facility is mounted to a building, the maximum height shall be ten (10) feet higher than the tallest point on the building.
- 16) Minimum vertical clearance between ground level and the lowest movable component of the wind-energy facility when at its lowest point is fifteen (15) feet.
- 17) The color shall be a neutral and nonreflective tone, such as white, off-white, or gray. The facility coloring shall be solid and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than five (5) square feet.

Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses

Section 401: Conditional Uses

- A. Purpose: Conditional use provisions apply to all uses identified as conditional uses in Table 6 – Table of Authorized Principal Uses and Table 7 – Table of Authorized Accessory Uses and Structures. The conditional use approval process is designed to allow the Township Supervisors to review and approve certain uses that may have additional impacts on the community and the environment beyond those typical for uses that are allowed by right. The intent is to allow certain specified uses identified as conditional uses in Table 6 – Table of Authorized Principal Uses and Table 7 – Table of Authorized Accessory Uses and Structures to be reviewed by the Township Supervisors so that they may determine compliance with this Ordinance and attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this Ordinance, as the Supervisors may deem necessary to implement the purposes of this Ordinance.

Section 402: Conditional Use Procedure for Approval

- A. Procedure: The Township Supervisors shall consider the conditional use application and render its decision in accordance with the requirements of the Pennsylvania MPC and this Ordinance and subject to the following:
- B. If Land Development approval is required for the conditional use, the application for conditional use approval and the application for approval of a Land Development required by the Township's adopted SALDO may be processed concurrently or separately at the discretion of the Applicant, provided that all application requirements of both Ordinances for a conditional use and the Land Development plan are met.
- C. Application Procedure. The Applicant shall submit an application for development for approval of a conditional use to the Zoning Officer or designated staff person of the Township. The application for development shall indicate the section of this Ordinance under which the conditional use is sought and shall state the grounds upon which it is requested.
- D. Application Content. An application for approval of a conditional use shall include the following:
- 1) One (1) copy of the application form provided by the Township and completed by the Applicant. If the Applicant is other than the landowner, the landowner's authorization of the application and the nature of Applicant's interest in the site shall accompany application.
 - 2) Five (5) paper and one (1) electronic copies of a site plan meeting the requirements for a preliminary plan for Land Development as set forth in the SALDO and, in addition, demonstrating conformity with all requirements of this Ordinance.
 - 3) Application fee and review fees established by resolution of the Supervisors to cover the cost of review.

- E. Administrative review and determination of complete application. Within seven (7) working days after a conditional use application is submitted, the Township shall review the conditional use application for completeness of required submission items. Within said time, the Township shall notify the Applicant in writing if the conditional use application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The Applicant may reapply, submitting the fee and missing material at any time.
- F. The Township shall submit the complete conditional use application to the Township Planning Commission for review and recommendations. The Planning Commission shall review the application and make a written recommendation to the Supervisors. If the proposed development is also Land Development, the Planning Commission shall also make a recommendation under the provisions of the SALDO.
- G. The Supervisors shall hold a hearing, in accordance with §913.2 of the MPC, 53 P.S. §§ 10913.2, and public notice shall be given as defined in this Ordinance and in accordance with 908(1) of the MPC. The hearing shall be commenced by the Supervisors within sixty (60) days from the date of receipt of the Applicant's completed application, unless the Applicant has agreed in writing to an extension of time.
- H. Conditions. In considering any conditional use, the Supervisors may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the Supervisors deems necessary to implement the purposes of the MPC and this Ordinance. A violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance.
- I. Written Decision. In accordance with §908(10) of the MPC. The Supervisors 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 Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the Applicant personally or mailed to him 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.
- J. Expiration. Conditional use approval shall expire automatically without written notice to the Applicant if no application for Subdivision and Land Development, Zoning Approval for structures, Zoning Approval for occupancy and use, or a Grading or Building Permit to undertake the work described in the conditional use approval has been submitted within twelve (12) months of said approval, unless the Supervisors, in their sole discretion, extend the conditional use approval upon written request of the Applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension. The Supervisors may grant an extension for good cause shown by the Applicant and provided that the extension will not be contrary to the purposes of this Ordinance.
- K. Effect on Prior Approvals. Conditional use approval, granted prior to the effective date of this Ordinance, shall expire automatically without written notice to the developer if no application for Subdivision and Land Development, Zoning Approval for structures, Zoning Approval for occupancy and use, or a Grading or Building permit to undertake the work described in the conditional use approval has been submitted within twelve (12) months of the effective date

of this Ordinance or as specified in the approval, unless the Supervisors, in its sole discretion, extends the conditional use approval upon written request of the Applicant received prior to its expiration. The maximum extension permitted shall be one twelve (12) month extension.

- L. All provisions of the SALDO which are not specifically modified by the Supervisors in approving a conditional use shall apply to any conditional use involving Subdivision and Land Development.
- M. Burden of Proof. In any application for conditional use, the Applicant shall have the persuasion burden and presentation duty to show compliance with this Ordinance and the Applicant shall have the persuasion burden to show the Applicant's request is not detrimental to the health, safety, and welfare of the neighborhood.

Section 403: Special Exceptions

- A. Purpose: Special exception use provisions apply to all uses identified as special exception uses in Table 6 – Table of Authorized Principal Uses and Table 7 – Table of Authorized Accessory Uses and Structures. The special exception use approval process is designed to allow the Zoning Hearing Board to review and approve certain uses that may have additional impacts on the community and the environment beyond those typical for uses that are allowed by right. The intent is to allow certain specified uses identified as special exception uses in Table 6 – Table of Authorized Principal Uses and Table 7 – Table of Authorized Accessory Uses and Structures to be reviewed by the Zoning Hearing Board so that they may determine use compliance with this Ordinance and attach reasonable conditions and safeguards in addition to the standards and criteria expressed in this Ordinance as the Zoning Hearing Board may deem necessary to implement the purposes of the Zoning Ordinance or MPC.

Section 404: Special Exception Procedure for Approval

- A. Procedure: The Zoning Hearing Board shall consider special exception applications and render its decision in accordance with the requirements of the Pennsylvania MPC and this Ordinance and subject to the following:
- B. If Land Development approval is required for the use by special exception, the application for approval of a Land Development required by the SALDO shall be submitted to the Township Planning Commission and Supervisors following approval of the use by special exception by the Zoning Hearing Board.
- C. Application Procedure. The Applicant shall submit an application for approval of a special exception to the Zoning Officer or designated staff person of the Township. The application form shall indicate the Section of this Ordinance under which the special exception is sought and shall state the grounds upon which it is requested.
- D. Application Content. An application for approval of a special exception shall include the following:
 - 1) One (1) copy of the application form provided by the Township and completed by the Applicant. If the Applicant is other than the landowner, the landowner's authorization of

- the application and the nature of Applicant's interest in the site shall accompany application.
- 2) Five (5) paper and one (1) electronic copies of a site plan meeting the requirements for a preliminary plan for Land Development as set forth in the SALDO and, in addition, demonstrating conformity with all requirements of this Ordinance.
 - 3) Application fee and review fees established by ordinance or resolution of the Township to cover the cost of review.
- E. Administrative review and determination of complete application: Within seven (7) working days after a special exception application is submitted, the Township shall review the application for completeness of required submission items. Within said time, the Township shall notify the Applicant in writing if the application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The Applicant may reapply, submitting the fee and missing material at any time.
- F. A hearing pursuant to public notice, as defined herein, shall be commenced by the Zoning Hearing Board within sixty (60) days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by this Ordinance and §908 of the MPC.
- G. Burden of Proof: In proceedings involving a request for a use by special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is authorized as a use by special exception and satisfies the specific or objective requirements for the grant of a use by special exception as set forth in this Ordinance rest upon the Applicant. The Applicant shall demonstrate that the request is not detrimental to the health, safety, and welfare of the neighborhood.
- H. Conditions: In considering any special exception, the Zoning Hearing Board may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the Board deems necessary to implement the purposes of the MPC and this Ordinance. A violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance, and upon finding of violation, shall require that the special exception use be discontinued until the violation is corrected.

Section 405: General Standards for all Conditional Uses and Special Exceptions

- A. When considering applications for conditional uses and special exceptions the following general standards for all conditional uses and special exceptions shall be met:
- 1) In accordance with the Comprehensive Plan and the Community Development Objectives, the use shall be consistent with the spirit, purposes, and the intent of this Ordinance.
 - 2) Compliance with this Ordinance. The Applicant shall establish by credible and competent evidence that the application complies with all applicable requirements of this Ordinance. The Applicant shall provide sufficient plans, studies, or other data to demonstrate compliance.

- 3) Compliance with other laws. The approval may be conditioned upon the Applicant demonstrating compliance with other specific applicable local, state, and federal laws, regulations, and permits.
- 4) The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
- 5) The Applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion and provide adequate access arrangements after considering any improvements proposed to be made by the Applicant as a condition on approval. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.
- 6) The proposed use shall not substantially change the character of any surrounding residential neighborhood after considering any proposed conditions upon approval.
- 7) The proposed use shall not create a significant hazard to the public health, safety, and welfare.
- 8) The proposed use shall be suitable for the property in question and designed, constructed, operated, and maintained so as to be in harmony with, and appropriate in appearance to, the existing or intended character of the general vicinity.
- 9) Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

Section 406: Accessory Dwelling Unit

- A. Accessory dwelling units shall be attached to a permitted, principal residential dwelling.
- B. Accessory dwelling units are only permitted in conjunction with owner-occupied properties, when the owner occupies one (1) of the dwellings on the lot.
- C. Only one (1) accessory dwelling unit is permitted on a lot.
- D. Accessory dwelling units shall meet all the setback, bulk, and area requirements of the principal use of the lot.
- E. The minimum number of required parking spaces for an accessory dwelling unit shall be added to the minimum number of required parking spaces for the principal use (see Table 14 – Parking Ratios).
- F. All accessory dwelling units shall meet all required PA DEP sewage requirements.
 - 1) A sewage permit to connect to an already existing on-lot sewage disposal system shall require a site inspection of the existing septic system and property by the Township Sewage Enforcement Officer to verify proper functioning and to determine if the system is capable of handling the increased effluent. If a malfunction is detected, the sewage permit shall be denied and the existing system shall be repaired at the expense of the property owner. The sewage permit shall be valid upon issuance until and unless the on-lot disposal system is found to be malfunctioning or considered to be a health hazard. The property owner shall make repairs to the existing system to rectify any malfunction.

- 2) Where a sewage permit authorizing connection to an existing on-lot sewage disposal system cannot be issued, a sewage permit for a separate system shall be obtained and the separate system installed at the expense of the property owner.
- G. The temporary placement of a mobile home on a residentially developed parcel for the purpose of providing housing and care to the property owner's immediate or extended family member or family friend who cannot, as evidenced by an annual written statement from that person's treating physician, function independently and requires the assistance, shelter, and care of said property owner.
- 1) Said temporary residence shall be removed from the property within six (6) months of the need for such temporary use has ceased.
 - 2) Said temporary residence shall not be brought onto the property until approvals have been given following the conditional use hearing and appropriate sewage and Building Permits are obtained. Said temporary residence shall not be occupied until such time as the appropriate Township occupancy permit is obtained.
 - 3) Said temporary residence shall not be placed on the property for a period exceeding two (2) years.

Section 407: Adaptive Reuse

- A. Permitted Reuses. Structures determined to meet the criteria of adaptive reuses may be reused for the following purposes by conditional use:
- 1) Single-family dwelling
 - 2) Multiple-family dwelling
 - 3) Financial institution
 - 4) Private clubs or social halls, provided that there are no sales of alcohol on the premises
 - 5) Day care facilities of all types
 - 6) Nursing or personal care homes
 - 7) Hospitals and medical clinics for humans
 - 8) Civic or cultural building
 - 9) Conference centers
 - 10) Community centers
- B. Standards for Exterior Alterations. It shall be a condition of adaptive reuse approval that all exterior alterations shall meet Standards for Historic Preservation if the property contains a historic structure as defined by this Ordinance. Properties not required to meet the standards for historic preservation shall make exterior alterations generally consistent with the original structure's architecture and the neighborhood in which it is located.
- C. Parking shall meet the requirements of Article VI: Parking based on the permitted reuse.
- D. Parking shall be provided on-lot or within 500 feet of the building entrance if sufficient public or on-street spaces are available.

Section 408: After Hours Club

- A. All operations shall be conducted within a completely enclosed building.
- B. There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.

Section 409: Amusement Park

- A. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.
- B. A traffic report shall be submitted with the application for development which identifies traffic control measures within the site and at the points of ingress and egress warranted at peak usage of the facility.
- C. No direct beams or rays of light from exterior lighting fixtures, signs, or vehicles maneuvering on the development site shall be permitted to shine into the private living areas and associated open spaces of adjacent residential properties.
- D. Access for the development site shall be provided from nonresidential streets and shall not require the use of any residential collector or residential local streets.
- E. Noise levels from amusement devices within an amusement park shall not exceed fifty (50) decibels (dBa), measured along the property boundary of the amusement park.
- F. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

Section 410: Animal Day Care, Animal Groomer, Animal Hospital and Veterinary Services

- A. The Applicant shall provide a Manure Management Plan.
 - 1) The Applicant shall show that adequate provisions are being implemented to collect, store, and dispose of the animal waste associated with the proposed facility. The containers to be used in the process shall be kept covered and shall be cleaned on a regular basis to avoid the potential for detectable odors.
- B. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line.

Section 411: Asphalt/Concrete Plant

- A. If materials are to be stored they shall be screened sufficiently from adjacent properties and the public ROW.
- B. All batch plants (permanent or temporary) shall have an effective dust collection system approved by the Township Engineer.
- C. The Board of Supervisors may require the use of wheel washers or other means of cleaning trucks/vehicles before entering public streets.

- D. Batch plants shall have an approved sediment pond before wash out water is discharged into any waterway.
- E. The Board of Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation, and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent parcels.
- F. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

Section 412: Automobile Repair and Service

- A. All use and equipment related to the facility operations and the repair/maintenance of the permitted vehicles shall be conducted entirely within a building.
- B. Outside storage or parking of any disabled, wrecked, unlicensed, or partially dismantled vehicle is not permitted for a period exceeding ten (10) days during any thirty (30) day period.
- C. Vehicles awaiting repair outside and wrecked or junk vehicles shall be screened and the view of them from adjacent properties and streets obscured with a solid vegetative landscape buffer or opaque fencing of at least six (6) feet in height.
- D. When vehicles are to be stored on the site awaiting repair, there shall be a designated storage area that shall not include required parking for the site and such that traffic hazards or blocking of traffic flow shall occur.
- E. No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.
- F. All motorized vehicles not in operating condition shall be kept in fully enclosed buildings except as noted above.
- G. The Board of Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation, and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district, municipal infrastructure, or adjacent land uses.

Section 413: Bed & Breakfast Inn

- A. The operator shall be a full-time resident of the dwelling in which the bed & breakfast inn is located.
- B. No more than four (4) guest rooms shall be offered to transient overnight guests.
- C. No meals, other than breakfast, shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.
- D. In addition to the parking required for the dwelling, one (1) parking space shall be provided for each guest room offered to overnight guests.

E. Off-street parking shall not be located in any front or side yard.

Section 414: Billboards

- A. Billboards are permitted only as a conditional use in the Commercial (C-1) District.
- B. Billboards shall be the sole principal use on a lot. Billboards may not be combined with any other principal or accessory use on a lot.
- C. Billboards may be authorized by the Board of Supervisors as a conditional use upon a finding that compliance with the requirements of this Ordinance, as well as the following specific criteria, have been met by the Applicant:
- 1) The submission by the Applicant of a conditional use application that shall contain the information, maps, plans, and narrative and graphic materials set forth in Section 402: Conditional Use Procedure for Approval.
 - 2) Billboards are considered a principal use and shall satisfy all bulk and area requirements of the underlying district.
 - 3) All billboards shall contain only one (1) face for the display of lettered, written, printed, pictorial, or sculpted matter on only one (1) side of its structure and such face shall be oriented to be viewed from only one (1) direction of travel from the nearest adjacent roadway. Cross roadway viewing shall not be permitted.
 - 4) The display area upon the face of a billboard shall be a maximum of 300 square feet (12 feet by 25 feet) and all portions of any display shall fit within such area with no extensions beyond the edge of the billboard sign's framework.
 - 5) All utility lines serving the billboard, or those extended to provide such service, must be installed completely underground. Such requirement may be waived if the billboard is powered by nontraditional alternative energy sources (for example, solar power).
 - 6) All billboards shall be set back from the below-described items as follows:
 - a) From a roadway intersection: 300 feet.
 - b) From any other billboard (whether such is located in the Township or otherwise) on the same side of the roadway: 1,200 feet.
 - c) From any other billboard (whether such is located in the Township or otherwise) on the opposite side of the roadway: 600 feet.
 - 7) The maximum height of billboards shall not exceed twenty (20) feet as measured from the grade of the roadway from which the advertising message is principally visible. The bottom edge of the billboard shall be no more than eight (8) feet above the elevation of the adjacent roadway which height shall be sufficient to prevent unauthorized access upon the billboard.

- 8) A buffer yard shall be required between billboards and any adjacent lot(s). For the purpose of establishing the required buffer yard, billboards shall be considered a commercial use.
- 9) Except as otherwise may be specified herein, all development of billboards shall comply with the provisions of the SALDO and this Ordinance.
- 10) Billboards shall not constitute a traffic hazard. No billboard or other advertising structure as regulated by this Ordinance shall be erected in such a manner as to obstruct free and clear vision; or erected at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or use the words "Stop," "Look," "Danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- 11) Illumination and animation.
 - a) All externally illuminated and digital billboards shall be inspected by the appointed inspector of the Township during construction to verify compliance with the adopted Building Code of the Township.
 - b) Illumination of the display shall be designed so that it shall be focused on the face of the display itself so as to prevent glare upon the surrounding area. All sources of illumination shall be external and equipped with shields to prevent spillage of light off the display.
 - c) Illuminated billboards shall be non-flashing and non-glaring and shall be illuminated in a manner to prevent glare and reflection to a public street or adjacent properties.
 - d) All displays on the face of billboards shall be stationary and no animated, sequential, flashing, moving, or oscillating signs or displays shall be permitted.
 - e) Billboards shall not contain exterior moving parts.
- D. All billboards shall be constructed to all applicable structural standards for such devices and all applications for the conditional use approval shall verify compliance with such standards as documented and sealed by a registered engineer.
- E. No billboard shall be constructed or erected until an Applicant thereof has made an application for same (which shall include a copy of a written lease for use of the land if the Applicant is not the owner thereof) and paid the applicable fee thereof (as set by a separate Resolution of the Board of Supervisors) and received a permit thereof from the Township.
- F. Prior to erection, all Applicants for proposed billboards shall be required to obtain any necessary permit from, and to conform in all respects to any regulation thereof promulgated by, an agency of the Commonwealth of Pennsylvania, including but not limited to its Department of Transportation.
- G. Maintenance.
 - 1) All billboards shall be maintained by their owner in a state of repair so that they are as safe and as functional as when originally installed.

- 2) Any billboard regulated by this Ordinance shall be maintained in the proper structural and aesthetic condition by the owner or tenant.
- 3) If a billboard no longer advertises a bona fide business or other activity conducted on the premises, it shall be taken down and removed by the owner, tenant, or by the entity having the beneficial use of the sign and the building within 180 days of the cessation of use.

H. Permit fees.

- 1) A permit shall be obtained for the installation of all billboards.
- 2) The Applicant shall pay a permit fee as specified by the Township Fee Resolution.

Section 415: Boarding House

- A. Public ingress and egress to the boarding house shall be through one (1) common exterior entrance. Ingress and egress for boarders shall be through common exterior entrances.
- B. Entry access to all boarding sleeping rooms shall be through the interior of the building. No exit doors from individual boarding sleeping rooms shall lead directly to the exterior of the building.
- C. All required parking shall be located in the rear yard of the lot and screened from surrounding parcels.

Section 416: Bus or Truck Maintenance Facility

- A. The standards for "Automobile Repair and Service" in this Article shall apply.

Section 417: Campground

- A. In the case of a camp or campground in which multiple units, including tents, travel trailers, and other forms of living accommodations, are placed on one site, a twenty-five (25) foot buffer shall be provided along all property lines.
- B. An internal access road shall be provided with a mud-free, dust-free condition, and shall be designed for safe and convenient access to camping spaces and to facilities for common use by the occupants. Direct access to individual camping spaces from public streets shall not be permitted.
- C. All camps and campgrounds shall comply with all applicable regulations of the Commonwealth, including, but not limited to, regulations covering food service, water supply, sewage disposal, bathing places, vector control, toilet facilities, sanitary stations, and garbage disposal.
 - 1) A sewage permit to connect to an already existing on-lot sewage disposal system shall require a site inspection of the existing septic system and property by the Township Sewage Enforcement Officer to verify proper functioning and to determine if the system is capable of handling the increased effluent. If a malfunction is detected, the sewage permit shall be denied and the existing system shall be repaired at the expense of the

- property owner. The sewage permit shall be valid upon issuance, until and unless the on-lot disposal system is found to be malfunctioning or considered to be a health hazard. The property owner shall make repairs to the existing system to rectify any malfunction.
- 2) Where a sewage permit authorizing connection to an existing on-lot sewage disposal system cannot be issued, a sewage permit for a separate system shall be obtained and the separate system installed at the expense of the property owner.
- D. Vacation cottages, rental cabins, and other dwellings with permanent foundations shall comply with the minimum net lot area and dimensional standards of the zoning district in which they are located.
 - E. The Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.
 - F. The minimum size of campgrounds and travel trailer parks shall be ten (10) acres.
 - G. Spaces in campgrounds and travel trailer parks may be used by travel trailers, equivalent facilities, tents, or other short-term housing, shelter arrangements, or devices. Year-round occupancy shall be prohibited.

Section 418: Care Facilities and Elderly Housing

- A. Lot Size. Care facilities and elderly housing must be located on a minimum of ten (10) acres.
- B. When located in the A-R or R-1 Zoning Districts, all care facilities or elderly housing must comply with the density of development limits of the underlying district.
- C. When located in a nonresidential zoning district, all care facilities or elderly housing must comply with the density of development limits of the R-1 Residential District.
- D. When located in the A-R or R-1 Zoning Districts, the lot and building standards for care facilities and elderly housing shall be amended as follows:
 - 1) Minimum Buffer Area - A minimum buffer area of seventy-five (75) feet must be established around the entire property where no structures of any type are permitted.
 - 2) Minimum Lot Area – ten (10) acres.
 - 3) Front Yard Setback – thirty-five (35) feet.
 - 4) Side Yard Setback – ten (10) feet.
 - 5) Rear Yard Setback – thirty-five (35) feet.
 - 6) Maximum Height – thirty-five (35) feet.
 - 7) Maximum Impervious Coverage Ratio – sixty-five percent (65%).
- E. The facility shall be duly licensed by the Commonwealth and shall operate in accordance with the regulations of the licensing agency.
- F. The facility shall provide all required off-street parking and loading spaces on-site.

- G. The site shall be served by DEP-approved community water and sewer systems.
- H. The facility shall have its principal traffic access from a public street with sufficient capacity to handle the traffic generated by the use. A traffic study shall be required in accordance with the SALDO.
- I. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- J. The parking and circulation plan shall be referred to the appropriate fire company for comments regarding traffic safety and emergency access.
- K. Ambulance, delivery, and service areas shall be obscured from the view of adjacent residential properties by fencing, screening, or planting as approved by the Township.

Section 419: Commercial Motor Vehicle Repair

- A. The standards for "Automobile Repair and Service" in this Article shall apply.

Section 420: Commercial Recreation – Outdoor

- A. Uses that feature outdoor entertainment and/or recreational activities shall provide all applicable buffer yards as required by this Ordinance and no activity shall occur within the said buffer area. Additional screening may be required as determined by the Board of Supervisors in order to reasonably contain noise, light, fumes, objects, or other materials to the site of the proposed use.
- B. All ingress and egress to and from the site shall be so situated as not to interfere with through traffic movements on adjacent streets.
- C. No lighting, noise, or other aspect of the recreation development shall, in the opinion of the Planning Commission, produce any nuisance factor to residential or public uses which are in proximity.

Section 421: Community Center

- A. The community center building shall be located within 100 feet of the property boundary of the principal use location of the organization that runs the community center.
- B. The community center structure(s) shall not exceed 3,000 square feet.
- C. No noise, music, or other outdoor activity shall be conducted between the hours of 9:00 p.m. and 8:00 a.m.

Section 422: Convenience Store

- A. Ingress, egress, and traffic circulation on the site shall be designed to minimize hazards and congestion.
- B. The Applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
- C. All lighting shall be shielded and reflected away from streets and adjoining properties.

- D. All sales and/or storage or display of all merchandise, including seasonal items, such as bagged wood chips, peat moss, rock salt, flowers, etc., shall be conducted within a completely enclosed building.

Section 423: Correctional Facility

- A. All applicable county, state, and federal permits shall be applied for prior to issuance of Township permits. Documentation of application shall be made a part of the conditional use application.
- B. Lighting shall be required throughout the property for safety purposes. Such lighting shall be oriented away from adjacent properties and shall not exceed two (2) footcandles of illumination at the property boundary line.
- C. All structures shall be a minimum of 150 feet from all property lines.
- D. Access shall be from a collector street only.
- E. An evacuation plan shall be submitted for review and approval by the Board of Supervisors and/or Emergency Management Coordinator.

Section 424: Day Care Center, Adult

- A. The facility shall be registered with or licensed by the Commonwealth of Pennsylvania. Proof of this valid license shall be provided to the Township prior to the Township's issuance of a zoning Occupancy Certificate for the use. Copies of this valid license shall also accompany the annual operating report to be filed with the responsible police department and Township fire departments.
- B. There shall be provided an adequate area for safe drop off and pick up. Areas for drop off and pick up shall be safe for vehicular traffic and typically be separated from normal vehicle traffic and shall not cause traffic congestion or unsafe traffic circulation either on site or on the adjacent public streets.
- C. These provisions do not apply to "Home Based Day Cares" which are classified as an accessory use.

Section 425: Day Care Center, Child

- A. The facility shall be registered with or licensed by the Commonwealth of Pennsylvania. Proof of this valid license shall be provided to the Township prior to the Township's issuance of a zoning Occupancy Certificate for the use. Copies of this valid license shall also accompany the annual operating report to be filed with the responsible police department and Township fire departments.
- B. Outdoor play areas shall be provided which shall have a minimum area of sixty-five (65) square feet per child and which shall be secured by a fence with self-latching gate. The location of the outdoor play area shall take into account the relationship to adjoining properties.
- C. The general safety of the property proposed for a day-care center or home based day care shall meet the needs of small children. There shall be no potential hazards in the outdoor play area.

- D. There shall be provided an adequate area for safe child drop off and pick up. Areas for drop off and pick up shall be safe for vehicular traffic and typically be separated from normal vehicular traffic and shall not cause traffic congestion or unsafe traffic circulation either on site or on the adjacent public streets.
- E. These provisions do not apply to “Home Based Day Cares” which are classified as an accessory use.

Section 426: Day Care, Home Based

- A. The facility shall be registered with or licensed by the Commonwealth of Pennsylvania. Proof of this valid license shall be provided to the Township prior to the Township's issuance of a zoning occupancy certificate for the use. Copies of this valid license shall also accompany the annual operating report to be filed with the responsible police department and Township fire departments.
- B. The minimum lot area shall be one (1) acre.
- C. The use shall be subordinate to the facility's primary use as a family residence.
- D. The use must be in compliance with all requirements of applicable Building Codes and Fire Codes as adopted by the Township, and the rules and regulations of the Pennsylvania Department of Human Services relating to home based day care, and all other applicable laws, ordinances, and regulations.
- E. To the extent that those picking up and/or dropping off their children do so by use of vehicles, adequate provision for off-street parking shall be provided and/or sufficient on-street parking must be available, as determined by the Board of Supervisors, so as not to result in traffic congestion but to facilitate traffic movement and provide for maximum safety and protection on the abutting residential streets.
- F. The Board of Supervisors shall determine appropriate times of operation and the quantity of children serviced by the Family Child Day Care Home such that the use will not disturb and/or disrupt the peaceful enjoyment of the adjacent residential uses.

Section 427: Drive-through Facilities

- A. Each window, bay, or area designed for drive-through service shall provide five (5) reservoir vehicle stacking spaces per window, bay, or area; such space shall not encroach into any other required aisles or spaces.
- B. Drive-through lanes shall be located to the rear of buildings unless the Board of Supervisors determines that drive-through lanes located on the side of the building will have less impact on adjacent uses and vehicular and pedestrian circulation and safety.
- C. Drive-through lanes shall be screened from view by landscaping, grading treatments, architectural features, or a combination of the above.
- D. A drive-through shall be located so that it does not conflict with pedestrian or vehicular movement.
- E. Drive-through lanes shall be distinctly marked by traffic islands a minimum of five (5) feet in width. A separate circulation drive shall be provided for passage around and escape from the outermost drive-through service lane. The Board of Supervisors may consider

alternative designs when it is demonstrated that the drive-through is screened from view and that traffic and pedestrian circulation is improved.

- F. A Drive-through Facility shall have no more than two (2) service lanes and a passage around and escape from the outermost drive-through service lane, except that a financial institution shall have a minimum of three (3) service lanes.

Section 428: Dwelling Types

A. Conversion Dwelling Units.

- 1) Each dwelling unit shall contain a minimum of 400 square feet of Gross Floor Area (GFA).
- 2) Each dwelling unit shall have separate living, sleeping, kitchen, and sanitary facilities.
- 3) The proposed conversion dwelling shall meet the minimum lot and area requirements for similar dwelling types authorized within the district in which it is located.
- 4) Each dwelling unit shall have a separate entrance, either directly from the outside or from a common corridor inside the structure.
- 5) Conversion of detached garages or other accessory structures to dwelling units shall not be considered conversion dwellings and shall not be permitted.
- 6) The paving and design of the off-street parking spaces shall be in compliance with the requirements of Article VI: Parking. Off-street parking areas for more than three (3) vehicles shall be screened.
- 7) Conversion dwellings shall provide continuity in architectural design and shall incorporate any proposed construction into the existing structural features.

B. Duplex and Townhome.

- 1) The minimum lot size shall be 6,000 square feet per unit.
- 2) The maximum site density shall be seven (7) units per acre.
- 3) All Duplex and Townhome units shall be connected to a DEP-approved community water and sewage system.
- 4) The site must possess direct access to an arterial or collector street as defined by the SALDO.
- 5) Groupings of multifamily structures shall be situated no closer than thirty (30) feet to one another or the separation required by the Township Building Code, whichever is greater.
- 6) No more than six (6) units shall be joined in a group by party walls.
- 7) Front-loaded garages shall be architecturally treated in a manner consistent with the dwelling to de-emphasize the garage door as an architectural feature.
- 8) Dwelling units must have an individual identity which is deemed to be in the best interests of the welfare of the residents and which is to be achieved by a combination of some or all of the following architectural features:
 - a) Varying building unit heights or forms.
 - b) Varying roof pitch and pitch direction.
 - c) Staggering of exterior walls where the wall exceeds 100 linear feet in length.

- d) The use of contrasting building materials on the exterior.
 - e) Any other method developed by the designer that maintains unit individuality but achieves an overall design compatibility within the structure.
- C. Quadruplex and Multifamily Dwellings.
- 1) The minimum lot size shall be 4,000 square feet per unit.
 - 2) The maximum site density shall be ten (10) units per acre.
 - 3) All quadruplex and multifamily dwellings shall be connected to a DEP-approved community water and sewage system.
 - 4) The site must possess direct access to an arterial or collector street as defined by the SALDO.
 - 5) Groupings of multifamily structures shall be situated no closer than thirty (30) feet to one another or the separation required by the Township Building Code, whichever is greater.

Section 429: Gas/Fuel Station

- A. No gas/fuel station shall be located within 1,000 feet of another gas/fuel station.
- B. Access driveways to the service station shall be at least thirty (30) feet from the intersection of any public streets.
- C. Gasoline pumps shall be located at least thirty (30) feet from the edge of the ROW of a public street.
- D. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.
- E. Air towers and water outlets may be located outside an enclosed building, provided that no portion of these facilities shall be closer than ten (10) feet to any property line.
- F. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet from the pumps.
- G. All canopy lighting must be fully recessed within the canopy.

Section 430: Home Occupational Business

- A. All home occupational businesses shall obtain an annual permit from the Township.
- B. The minimum lot area shall be one (1) acre.
- C. The use shall be subordinate to the facility's primary use as a residential unit.
- D. The use must be in compliance with all requirements of applicable Building Codes and Fire Codes as adopted by the Township.
- E. Adequate provision for off-street parking shall be provided and/or sufficient on-street parking must be available, as determined by the Board of Supervisors, so as not to result in traffic congestion but to facilitate traffic movement and provide for maximum safety and protection on the abutting residential streets.

- F. The parking shall meet the requirements of Article VI: Parking based on the combined requirements for the residential unit and the proposed business.

Section 431: Heavy Equipment Repair & Business

- A. The standards for “Automobile Repair and Service” in this Article shall apply.

Section 432: Kennel

- A. The operator or owner of any kennel must hold all current state and local licenses and permits for the location, activity, and number of animals so specified.
- B. The minimum lot area for a kennel shall be two (2) acres.
- C. Kennels shall be located within a completely enclosed building and soundproofed to reduce noise impacts on adjacent properties.
- D. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be maintained in a safe condition, and shall be secured by a fence with a self-latching gate.
- E. Outdoor runs, pens, coops, and similar facilities shall be located at least 300 feet from any occupied dwelling on adjoining property and shall be visually screened from adjoining lots.

Section 433: Landscape Business

- A. All supplies and equipment shall be stored within a completely enclosed building.
- B. Exterior display and sales of building materials and/or equipment associated with the permitted principal use shall require an approval of a “supply yard” as an accessory use.
- C. Exterior storage of building materials and/or equipment associated with the permitted principal use shall require an approval of a “storage yard” as an accessory use.
- D. The use shall be accessed directly from an arterial or collector street as defined by the SALDO.

Section 434: Live-Work Unit

- A. Permitted ground floor uses shall include:
- 1) Day care facilities of all types
 - 2) Retail Store
 - 3) Neighborhood Restaurant
 - 4) Other such uses as determined appropriate upon recommendation of the Planning Commission and approval of the Board of Supervisors.
- B. Parking shall meet the requirements of Article VI: Parking based on the combined requirements for the residential unit and ground floor use.
- C. All live-work units shall be constructed in accordance with the Township Building Code and shall be occupied as live-work units upon construction.

Section 435: Methadone Treatment Facility

- A. For any building (or portion thereof) which is proposed to contain a methadone treatment facility, the lot upon which such building (or portion thereof) sits shall not be located closer than 500 feet (or the then current Pennsylvania statutory-provided distance, whichever is greater) to a lot utilized for an existing school, public playground, public park, residential housing area, residential lot, single-family dwelling, child care facility, place of worship, meeting house, or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment.
- B. Notwithstanding Subsection A above, a methadone treatment facility may be established and operated closer than 500 feet (or the then current Pennsylvania statutory-provided distance, whichever is greater) to a lot utilized for an existing school, public playground, public park, residential housing area, residential lot, single-family dwelling, child care facility, place of worship, meeting house, or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment, if, by majority vote, the Board of Supervisors approves a use for said facility at such location. At least fourteen (14) days prior to any such vote by the Board of Supervisors, one or more public hearings regarding the proposed methadone treatment facility location shall be held within the municipality pursuant to public notice. All owners of real property located within 500 feet of the proposed location shall be provided written notice of said public hearing(s) at least thirty (30) days prior to said public hearing(s) occurring.
- C. All buildings proposed to contain a methadone treatment facility shall fully comply with the requirements of the Township Building Code.
- D. In addition to the otherwise required number of parking spaces specified by Article VI: Parking for the usage of the building proposed for a methadone treatment facility, additional parking shall be required specifically for the methadone treatment facility at a rate of one additional parking space for each 200 square feet of area devoted to the methadone treatment facility.
- E. Each building or portion thereof proposed for use as a methadone treatment facility shall have a separate and distinct entrance utilized solely for direct entrance into the methadone treatment facility. Such separate and distinct entrance shall face a major street thoroughfare. Access to the methadone treatment facility shall not be permitted via a shared building entrance or from a shared interior corridor within the building in which it is located.

Section 436: Micro-Brewery

- A. The standards for "Tavern or Bar" in this Article shall apply.

Section 437: Micro-Distillery

- A. The standards for "Tavern or Bar" in this Article shall apply.

Section 438: Mineral Development

- A. The Applicant for a mining or processing conditional use permit shall submit the following information to the Zoning Officer:
- 1) Evidence of compliance with all state and federal laws applicable to the process for which the conditional use permit is sought.
 - 2) A description of the character, timing, and duration of the proposed operation, including maps and plans showing the area and extent of the proposed activity, the location and design of all structures, depth of the excavation, areas for storage of soil materials areas for the deposit of coal waste, and facilities for processing, loading, and transportation of minerals.
- B. The location of all structures, land uses, and zoning features which may be affected by the proposed operation and measures which will be taken to protect all structures, land uses and zoning features from adverse impacts from mining.
- C. Measures that will be taken to insure that any loss, diminution, or pollution of water supplies in areas affected by mining will be corrected or replaced.
- D. Measures that will be taken to insure that the performance standards contained in all sections of this Ordinance shall be met.
- E. Description of plans for the transportation of the mined product, including routes of travel, number and weight of vehicles, and measures that will be taken to maintain all roads within the Township which are used to transport minerals.
- F. Plans for the restoration and reclamation of all land affected by the extractive operation to a condition which will support agriculture or other uses which are permitted by right or as conditional uses in the concerned district.
- 1) If the proposed reclamation is for development, the proposed development should be compatible with the Comprehensive Plan and in conformance with the purposes and regulations of the district in which it is located.
- G. Adequate safeguards shall be provided to insure that damage will not be done to property elsewhere in the Township or to the natural environment.
- H. No expansion in area of a mining operation shall be permitted until mining activities have been completed on an equivalent area of land and the land shall have been graded and vegetation established in accordance with the approved plan for reclamation of the site.
- I. In no case shall a conditional use permit extend to an area of land or mode of operation which is larger or in any way different from the scope of permits issued concurrently by state and/or federal permitting authorities for the same existing or proposed mining or processing activity.
- J. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

Section 439: Mixed-Use

- A. Permitted ground floor uses shall include:
- 1) Day care facilities of all types
 - 2) Retail Store

- 3) Neighborhood Restaurant
 - 4) Other such uses as determined appropriate upon recommendation of the Planning Commission and approval of the Board of Supervisors.
- B. Parking shall meet the requirements of Article VI: Parking based on the combined requirements for the residential unit and ground floor use.
- C. All Mixed-use units shall be constructed in accordance with the Township's Building Code and shall be occupied as Mixed-use units upon construction.

Section 440: Mobile Home Park

- A. All mobile home parks shall comply with the standards and criteria established by the Township SALDO and all other public improvement provisions that apply to Land Development.

Section 441: Natural Gas Compressor Station/ Natural Gas Processing Plant

- A. Natural Gas Compressor Station or Natural Gas Processing plants shall meet the location restrictions established by the Commonwealth and its regulatory agencies.
- B. No Natural Gas Compressor Station or Natural Gas Processing Plant shall be located closer than 1,000 feet from any dwelling, occupied structure, library, school, place of worship, or recreational use areas on adjoining properties unless a written waiver is submitted by the owner of such structures or properties.
- C. A Natural Gas Compressor Station or Natural Gas Processing Plant shall only be permitted to be located on property that is a minimum of ten (10) acres or larger. Multiple properties may be combined to meet the ten (10) acre minimum.
- D. The Applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The Applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permit. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
- E. First Responders shall have on-site orientation and be provided with adequate awareness information. Upon request from the Township, Applicant will, prior to operations, make available at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available at least annually during the period when the Applicant anticipates operations in the Township.
- F. Noise standards for Natural Gas Compressor Stations and Natural Gas Processing Plants shall be equal to or less than sixty (60) decibels (dBa) at the property line dividing the site developed and all adjoining properties. In the event that an Applicant is unable to meet the aforementioned requirements the Applicant may either:

- 1) Utilize appropriate noise mitigation measures that may include sound barriers or such technology or devices that will allow the Applicant to meet said noise requirements; or
 - 2) Obtain a release waiver of said noise requirements from the owners/renters of those properties who would be affected by noise conditions in excess of that allowed in this Section.
- G. The Applicant shall take the necessary safeguards to ensure that the paved Township roads utilized shall remain free of dirt, mud, and debris resulting from development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud, and debris occur.
- H. Applicant shall take necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with development Applicant will provide flag persons or other alternative and approved safety mechanism to ensure the safety of children at or near schools or school bus stops and include adequate sign and/or warning measure for truck traffic and vehicular traffic. Applicant will coordinate its efforts with school districts so as to minimize heavy truck traffic during the hours school buses are picking up or dropping off children.
- I. A copy of Highway Occupancy Permits and other permits already obtained at the time of the application submission. If no such permit has been obtained, the Applicant shall provide a copy of its application for the HOP and an approved permit when obtained. A driveway permit shall be required if the entrance to the site is on a Township road.
- J. The access driveway off the public road to the Natural Gas Compressor Station or Natural Gas Processing Plant site shall be gated at the entrance to prevent illegal access.
- K. Fencing of at least six (6) feet in height shall be installed around all Natural Gas Compressor Stations and Natural Gas Processing Plants.
- L. Site lighting shall be directed downward and inward toward the Natural Gas Compressor Station or Natural Gas Processing Plant so as to minimize glare on public roads and adjacent buildings and properties.
- M. Natural Gas Compressor Stations or Natural Gas Processing Plants must meet all of the applicable supplemental regulations of Section 501: Performance Standards unless otherwise preempted by state or federal laws and regulations.
- N. If there are unique characteristics of a proposed site, the Township may impose or request additional requirements from an Applicant.

Section 442: Night Club

- A. All night club operations shall cease between the hours of 2:00 a.m. and 7:00 a.m., prevailing time (unless more restrictive non-operating hours are established by the Board of Supervisors in its conditional use decision) and the establishment shall not be open to the public during those hours.

- B. All nightclub operations shall be conducted within an enclosed building and all doors and windows shall remain closed during the hours that the nightclub is open for operation.
- C. The facility entrances and exits (excluding emergency exits) which face adjacent residential dwellings and/or residential zoned properties shall have a vestibule with a second door to minimize noise impacts to adjacent residential dwellings and properties.
- D. No nightclub shall be permitted within 500 feet of an adult-oriented business and/or another nightclub, as measured from lot line to lot line.
- E. The nightclub operations shall not cause or create a nuisance including, but not limited to, excessive noise levels.

Section 443: Power Generation Facility, Electric

- A. Power generation plants shall be located at least 1,000 feet from any property line adjoining a residential use or zoning district and at least 500 feet from a property line adjoining any other zoning district.
- B. Operations shall be regulated so that nuisances such as visual blight, noise, odors, blowing debris, and dust shall not be created.
- C. The Board of Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district or adjacent parcels.
- D. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

Section 444: Recycling Business

- A. The perimeter of the property shall be enclosed with a fence or wall no higher than eight (8) feet and no lower than six (6) feet in height. Barbed-wire fences are prohibited.
- B. See Table 11 – Recycling Requirements for requirements of indoor and outdoor storage.
- C. Batteries and other items considered hazardous waste shall not be kept on site.
- D. Recycled oil shall be kept in an enclosed container at all times.
- E. Any item that would create a hazardous run-off shall be kept under a roof or covered at all times.
- F. Items such as newspaper, office paper, plastics, and drinking containers shall be secured so that they are not affected by the wind.
- G. No pile of recyclables shall exceed twenty (20) feet in height.

TABLE 11 – RECYCLING REQUIREMENTS

Type of Recyclable	Under Roof Y/N	Need to be Covered Y/N
Beverage Containers	No	No
Demolition Debris	No	No
Electronics	Yes	N/A
Metal	No	No
Oil	Yes	N/A
Paper	Yes	N/A
Plastic	No	No
Rubber Products	No	Yes
Tires	Yes	Yes

Section 445: Salt Storage Facility

- A. All salt piles must be covered with a roof in order to prevent run-off into public or private sewer inlets.

Section 446: Salvage/Junk Yard

- A. The minimum site size shall be five (5) acres.
- B. The site shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- C. No garbage, organic waste, or hazardous waste shall be stored, buried, or disposed of on the site.
- D. The manner of storage of junk shall be arranged in such a fashion that aisles of a minimum width of twenty-five (25) feet between rows of junk are maintained in order to facilitate access for fire-fighting and prevent the accumulation of stagnant water. The proposed layout of the junkyard shall be indicated on the site plan submitted with the application.
- E. No junk shall be stored or accumulated and no structure shall be constructed within fifty (50) feet of any dwelling unit or within twenty-five (25) feet of any other parcel line or ROW of a public street.
- F. The site shall be enclosed by a metal chain-link fence not less than eight (8) feet in height supported on steel posts with self-latching gate.
- G. The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.
- H. No vehicles or material related to the principal use shall be stacked higher than the visual barrier.
- I. The Board of Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they

deem necessary to ensure that there is not adverse impact upon the functioning of the district or adjacent parcels.

- J. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.
- K. The application shall include the appropriate approvals and permits from DEP.

Section 447: Self-storage Facility

- A. All storage shall be within an enclosed building except vehicular storage which may be permitted in a parking facility as an accessory use.
- B. The minimum distance from the face of any storage building to the face of any adjacent storage building shall be twenty-eight (28) feet for storage units which are less than fifteen (15) feet in depth and forty-two (42) feet for storage units which are more than fifteen (15) feet in depth.
- C. Minimum distance between the ends of storage buildings is twenty (20) feet.
- D. Maximum length of any storage building is 200 feet.
- E. Maximum size of any storage unit shall be fourteen (14) feet wide, forty (40) feet deep, one (1) story high, and no more than fifteen (15) feet in height. If storage units are placed back-to-back, the maximum width of the building shall not exceed forty (40) feet.
- F. Storage units may not be equipped with water or sanitary sewer service.
- G. Exterior finishes of the storage units shall be compatible with the character of the development on adjoining properties.
- H. The Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, and such other matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the adjacent parcels.
- I. No door openings accessing storage units shall face an adjacent residential zoning district.
- J. The site shall front along a collector street and shall have direct vehicular access to a collector street.
- K. Vehicular access shall be limited to one (1) two-way driveway from each collector street on which the site has frontage.

Section 448: Sexually Oriented and Adult Business

- A. Sexually Oriented and Adult Businesses shall also meet or exceed the following setback requirements. The building shall be setback as follows:
 - 1) The building shall be at least 250 feet in any direction from any residential dwelling, (including multi-family buildings), and at least 500 feet from any public park property (including such uses in adjacent municipalities);
 - 2) The building shall be at least 1,000 feet in any direction from any school property, church property, preschool property, or child day care center property (including such uses in adjacent municipalities);

- 3) The building shall be at least 100 feet in any direction from any hotel or motel (including such uses in adjacent municipalities); and
 - 4) The building shall be at least 2,500 feet in any direction from any other building which is utilized for any other adult business that is defined in this section (including such uses in adjacent municipalities).
- B. All activities pertaining to the Sexually Oriented and Adult Businesses shall be conducted entirely within the confines of the building. No theater which shows adult-related films shall project the film outside the confines of a building. No music or sound emitting from the business shall be audible to normal human hearing at any time at any exterior property line of the business.
- C. Any Sexually Oriented and Adult Businesses which has liquor for sale shall abide by all rules and regulations of the LCB. If any of the applicable regulations of the LCB are more stringent than the regulations specified in this Section, those regulations shall be adhered to by the Applicant.
- D. Unless governed by more stringent regulations of the LCB, the following hours of operation shall be adhered to by all Sexually Oriented and Adult Businesses.
- 1) No Sexually Oriented and Adult Business shall be open from 2:00 A.M. to 11:00 A.M. daily.
 - 2) No sexually oriented and/or adult business shall be open on Sundays and holidays except that an adult business open on Saturday may remain open until 2:00 A.M. on Sunday morning.
- E. The maximum GFA of any building utilized for the sexually oriented and/or adult business shall be 5,000 square feet.
- F. No sexually oriented and/or adult business shall display an exterior sign which displays obscene materials or which depicts nudity or sexually explicit activities. All other regulations pertaining to commercial signs shall be complied with.
- G. Parking, landscaping, exterior lighting, and other required site improvements shall be in accordance with the applicable Sections of this Ordinance.
- H. To insure the regulations of this Section are adhered to by the Applicant, the following information shall be provided with the application for a conditional use.
- 1) A site survey of the property and building proposed for the sexually oriented and/or adult business and a survey illustrating the distance to the location, size, and type of all buildings and uses within 2,500 feet of the building proposed for the adult business. The survey shall be prepared and sealed by a surveyor licensed by the Commonwealth of Pennsylvania and shall be at a scale no less than one (1) inch to 100 feet. The survey shall indicate the scale, date drawn, north point, tax parcel number of all parcels illustrated, the names of any roads or highways illustrated, and shall be on paper measuring twenty-four (24) inches by thirty-six (36) inches. Twenty (20) copies of the survey shall be submitted with the application.
 - 2) The above-referenced site survey shall indicate the proposed parking layout, landscaping, lighting, sign location, building location, and any other exterior improvements.
 - 3) If liquor for sale is proposed, a copy of the license issued by the LCB shall be submitted.

- I. In addition to a conditional use permit, a Land Development plan shall be required for the development of the site. Requirements for the Land Development plan are in the SALDO.
- J. An Applicant proposing the sexually oriented and/or adult business shall satisfy all requirements of the Zoning Ordinance which relate to general requirements for approval of conditional uses.
- K. Additional Regulations for Nude Model Studios.
 - 1) A nude model studio shall not employ any person under the age of eighteen (18) years.
 - 2) The studio owner or operator and any person under the age of eighteen (18) years commits a violation of this Ordinance if the person appears seminude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen (18) years was in a rest room not open to public view or visible to any other person.
 - 3) The studio owner or operator and any person commits a violation of this part if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity, in an area of a nude model studio premises which can be viewed from the public ROW.
 - 4) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises; however a sofa may be placed in a reception room open to the public.

Section 449: Shopping Center

- A. Any shopping center proposed with an anchor tenant space shall provide a centralized focal point to serve as a unifying feature within the overall center. The feature shall include a public plaza, open space, or another similar amenity and be constructed as part of Phase I should the project be constructed in phases.
- B. Buildings that exhibit long, flat facades and continuous linear strip development are not permitted. All buildings shall provide a prominent and highly visible street-level doorway or entrance along the front or side of the building which faces a street.
- C. Sidewalks shall be provided along store fronts.
- D. The street-level facade of any building facing a street shall be transparent (incorporate windows) between a minimum of three feet and eight feet in height for no less than sixty percent (60%) of the horizontal length of the structure facing the street.
- E. Surface treatments to create visual interest, such as cornices, brackets, window and door moldings and details, recesses, projections, awnings, porches, steps, decorative finish materials, and other architectural articulation, shall be required along facades facing streets. At least two (2) such surface treatments must be provided along the facade.
- F. Any drive-through proposed with a tenant space shall be designed in accordance with drive-through standards outlined in this Ordinance.
- G. Elevation drawings shall be required for all shopping centers. The elevations shall show a perspective from the street frontage whereby the Applicant shall demonstrate that the site improvements, including buildings, parking areas, and circulation drives, have a consistent physical/spatial relationship to the existing street grade along property frontages. Specifically, the intent is to design neighborhood shopping centers in a manner that creates consistency in the streetscape and not cause an effect to separate or segregate the use of

the property from the surrounding neighborhoods or streets. The design of a neighborhood shopping center is to integrate into and be at a scale compatible to the surrounding area.

- H. The entire shopping center shall have a common architectural character and be an integrated design.
- I. Access from adjacent streets shall be carefully designed to minimize congestion and confusion.
- J. Loading areas shall be separate from parking lots.
- K. Areas not paved or occupied by structures shall be landscaped and maintained.
- L. Areas to be used for outdoor sales shall be designated and shall not occur on pedestrian circulation areas or in required parking lots.
- M. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation and such other matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district or adjacent parcels.

Section 450: Short-term Rental (Accessory or Principal)

- A. Accessory or principal use short-term rental units shall provide the required off-street parking as specified in Article VI: Parking.

Section 451: Solar Energy Production Facilities, Large

- A. The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Pennsylvania UCC, Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. All on-site utility and transmission lines extending to and from the large solar energy production facility shall be placed underground.
- C. All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street ROW.
- D. Large solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district.
- E. The owner shall provide evidence in the form of stamped plans certified by a professional engineer that the roof is structurally sound.
- F. All ground-mounted and free standing solar collectors of large solar energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- G. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.

- H. For a building-mounted system installed on a sloped roof that faces the front yard, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and the highest edge of the system.
- I. Building-mounted systems mounted on a flat roof shall not be visible from the public ROW immediately adjacent to the property at ground level. System components can be screened with architectural treatments such as a building parapet walls or other screening or by setting the system back from the roof edge in such a way that it is not visible from the public ROW at ground level.
- J. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed three (3) feet above the highest point of the roof line to which it is attached.
- K. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six (6) feet above the roof to which it is attached.
- L. The surface area of ground-mounted systems, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district in which it is located.
- M. No signage or graphic content may be displayed on the system except the manufacturer's badge, safety information, and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.
- N. Vacation, Abandonment, and/or De-commissioning of Solar Facilities:
 - 1) The solar energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation.
 - 2) Discontinuation/abandonment is presumed when a solar system has been disconnected from the Net metering grid for a period of six (6) continuous months or has not produced electricity for a period of six (6) months. The burden of proof in the presumption of discontinuation/abandonment shall be upon the Township.
 - 3) The solar facilities and all related equipment must be removed within twelve (12) months of the date of discontinuation or abandonment or upon the determination of the useful life of the solar system.
 - 4) For ground-mounted and building-mounted systems, removal includes removal of all structural and electrical parts of the ground or building-mounted system and any associated facilities or equipment and removal of all net metering equipment.
 - 5) If the owner fails to remove or repair the vacated, abandoned, or decommissioned solar facilities within the twelve (12) month period outlined above, the Township reserves the right to enter the property, remove the system, and charge the landowner and/or facility owner and operator for all costs and expenses including reasonable attorney's fees or to pursue other legal action to have the system removed at the owner's expense.
 - 6) Any unpaid costs resulting from the Township's removal of a vacated, abandoned, or decommissioned solar system shall constitute a lien upon the property against which the costs were charged. Each such lien may be continued, recorded, and released in the manner provided by the general statutes for continuing, recording, and releasing property tax liens.
- O. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

Section 452: Solid Waste Facilities (Transfer Stations; Incinerators; Landfills)

- A. Ingress to and egress from solid waste facilities shall be permitted by roads to serve only the solid waste facilities. Street design shall allow a weight limit of 19,000 pounds per axle. Approach and departure traffic routes for a solid waste facility shall not be permitted through local streets primarily intended to provide access to residences in a neighborhood.
- B. A non-climbable security fence at least eight (8) feet in height shall be installed around all portions of solid waste facilities directly involved in the storage, handling, and disposal of solid waste.
- C. All buildings or structures used for the storage, treatment, processing, recycling, collection, recovery, or disposal of solid waste shall be located at least 500 feet from any exterior property line when such property line abuts a residential zoning district.
- D. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., except that the hours of operation may be extended when the DEP certifies that sanitation conditions require an extension of operating hours.
- E. Municipal solid waste landfills shall be covered in accordance with the DEP. Exterior lighting shall not cause illumination in excess of one (1) footcandle at any property line, except that internally illuminated signs at the entrance to the landfill may exceed this standard where necessary.

Section 453: Storage Yard

- A. General requirements for all Storage Yards:
 - 1) The Applicant shall provide to the Township at the time of application the following information:
 - 2) A narrative describing the material that will be stored in the proposed Storage Yard.
 - 3) A site plan of the lot and/or parcel including the location of the proposed Storage Yard and materials to be stored.
- B. Storage Yards shall not be used to:
 - 1) Service, repair, or conduct similar repair activities of any of the items stored at the outdoor storage yard.
 - 2) Be occupied or used for living, or sleeping purposes.
 - 3) Conduct vehicle sales or retail sales of any kind.
 - 4) Conduct any other commercial or industrial activity.
- C. No outdoor storage shall be permitted in the required setback areas.
- D. All organic rubbish or waste materials shall be stored in airtight vermin-proof containers.
- E. Outdoor storage of vehicles, including but not limited to automobiles, buses, motorcycles, watercraft, and similar machines shall conform to the following standards:

- 1) All operable vehicles stored in identified storage areas shall have current vehicle registration and/or inspection, as required.
 - 2) Any repossessed, disabled, wrecked, unlicensed, or partially dismantled vehicle is not permitted for a period exceeding ten (10) days during any thirty (30) day period.
- F. The storage yard shall be paved with a minimum of three (3) inches of gravel and maintained in a dust-free manner.
- G. The storage yard shall be set back a minimum of fifty (50) feet from any property bearing a single-family detached dwelling.
- H. Specific standards for storage yards permitted as an accessory use:
- 1) All storage yards related to the principal use are permitted only in the rear yard and at least fifty (50) feet from a residential zoning district.
 - 2) The designated storage area shall not include the required parking for the permitted principal use.
 - 3) Storage areas shall not create traffic hazards or block pedestrian and vehicular circulation.
 - 4) The Storage Yard shall be screened from the adjoining parcels as required by the Buffer Yard Standards defined in this Ordinance.
 - 5) Existing wooded vegetation along any property lines shall substitute for the required buffer.
- I. Specific Standards for Storage Yards permitted as a principal use:
- 1) The storage yard shall be screened from the adjoining parcels as required by the Buffer Yard Standards defined in this Ordinance.
 - 2) Existing wooded vegetation along any property lines shall substitute for the required buffer.
 - 3) The storage yard shall be screened from the public roadway by a solid vegetated hedge or opaque fence that is a minimum six (6) feet high.

Section 454: Supply Yard

- A. General requirements for all supply yards (principal and accessory uses):
- 1) The Applicant shall provide to the Township at the time of application the following information:
 - 2) A narrative describing the material that will be stored, displayed, and/or sold in the proposed Supply Yard.
 - 3) A site plan of the lot and/or parcel including the location of the proposed Supply Yard and materials to be stored.
- B. Supply Yards shall not be occupied or used for living or sleeping purposes.
- C. No outdoor storage and/or sale of materials shall be permitted in the required setback areas.
- D. Outdoor display and/or sale of materials and/or equipment shall be incidental to a principal use in the district in which it is permitted.

- E. Only the business or entity occupying the principal structure may sell merchandise in the outdoor Supply Yard.
- F. Areas to be used for outdoor display and/or sales shall not occur on pedestrian and/or vehicular circulation areas or in required parking lots.
- G. The Supply Yard shall be screened from the adjoining parcels by a bufferyard as required by the standards of this Ordinance.
- H. The Storage Yard shall be paved with a minimum of three (3) inches of gravel and maintained in a dust-free manner.
- I. The Storage Yard shall be set back a minimum of fifty (50) feet from any property bearing a single-family detached dwelling.

Section 455: Tank Farms

- A. All state and federal permits shall be acquired prior to filing the application for development.
- B. The fuel storage area shall be capable of containing at least one and a half (1.5) times the amount of the largest storage tank.
- C. An explicit plan for emergency procedures and fire prevention and containment shall be approved by the Township.
- D. The Board of Supervisors may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, and such other matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the zoning district or adjacent parcels.

Section 456: Tavern or Bar

- A. Operations shall cease between the hours of 2:00 a.m. and 11:00 a.m. prevailing time and the establishment may not be open to the public during those hours
- B. Shall not be located closer than 600 feet to another similar existing use.
- C. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. The Township may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.

Section 457: Towing or Other Road Services

- A. All automobile servicing and repair activities shall be carried on within an enclosed building.
- B. Exterior storage of vehicles and/or equipment associated with the permitted principal use shall require approval of a "Storage Yard" as an accessory use.

Section 458: Vehicle Sales; Vehicle Rental Facility

- A. The minimum lot area required shall be one (1) acre.
- B. The property shall have frontage on and direct vehicular access to an arterial or collector street.

- C. The area used for display of automobiles and related merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and mud free.
- D. All lots used for the outdoor display of vehicles shall have a completely enclosed building on the same lot.
- E. No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street ROW.
- F. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.
- G. All onsite lighting shall be located at least ten (10) feet from any street ROW or property line and all lighting shall be shielded and reflected away from adjacent streets and properties.
- H. All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.
- I. Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six (6) foot compact hedge or opaque fence.

Section 459: Wind Energy Production Facility, Large

- A. The layout, design, and installation of Large Wind Energy Production Facilities shall conform to applicable industry standards, including those of the ANSI, UL, the ASTM, or other similar certifying organizations, and shall comply with the Pennsylvania UCC, Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. Large Wind Energy Production Facilities shall not generate noise which exceeds fifty-five (55) decibels (dBa) measured at any property line.
- C. All on-site utility and transmission lines extending to and from the Large Wind Energy Production Facility shall be placed underground.
- D. All Large Wind Energy Production Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulation shall not be considered a sufficient braking system for overspeed protection.
- E. Large Wind Energy Production Facilities shall not be artificially lighted, except to the extent required by the FAA.
- F. Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four (4) square feet.
- G. Wind turbines and towers shall be a non-obtrusive color such as white, off-white, or gray.
- H. All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent lot.

- I. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- J. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- K. No portion of any large wind energy production system shall extend over parking areas, access drives, driveways, or sidewalks.
- L. All large wind energy production facilities shall be independent of any other structure and shall be located a minimum distance of one and one-tenth (1.1) times the turbine height from any inhabited structure, property line, street ROW, or overhead utility line.
- M. The minimum height of the lowest position of the wind turbine shall be thirty (30) feet above the ground.
- N. All large wind energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.
- O. The large wind energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The Large Wind Energy Production Facility owner shall then have twelve (12) months in which to dismantle and remove the large wind energy production facility from the lot. At the time of issuance of the permit for the construction of the Large Wind Energy Production Facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

Section 460: Uses Not Listed

- A. It is the intent of this Ordinance to group similar or compatible land uses into specific zoning districts. Uses which are not specifically listed in Table 6 – Table of Authorized Principal Uses and Table 7 – Table of Authorized Accessory Uses and Structures may be permitted upon finding by the Township that the proposed use is similar to a use listed in Table 6 – Table of Authorized Principal Uses and Table 7 – Table of Authorized Accessory Uses and Structures.
- B. If a property owner or user asserts that a proposed use is not provided for in Table 6 – Table of Authorized Principal Uses and Table 7 – Table of Authorized Accessory Uses and Structures the property owner or user shall file an application for conditional use with the Township and which shall review and make a determination if the proposed use is similar to another use contained in Table 6 – Table of Authorized Principal Uses and Table 7 – Table of Authorized Accessory Uses and Structures.
- C. If the Township finds the use is similar to an existing use contained in the Table it may permit the use subject to the same conditions and requirements of that use and including the district in which it may be located.
- D. In considering if a proposed use is similar to an existing use contained in Table 6 – Table of Authorized Principal Uses and Table 7 – Table of Authorized Accessory Uses and Structures the Township is not limited to assertions of the Applicant that the use is similar to a specific listed use, but instead may consider all uses (principal and

accessory) contained in Table 6 – Table of Authorized Principal Uses and Table 7 – Table of Authorized Accessory Uses and Structures.

- E. If the Township finds the use is similar to an existing use, all other provisions of this Ordinance and all codes and ordinances of the Township shall apply.

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Article V: Supplemental Regulations

Section 501: Performance Standards

- A. Noise. The ambient noise level of any operation, other than those exempted below, shall not exceed the decibel (dBa) levels prescribed. The sound pressure level or ambient level is the all-encompassing noise associated with a given environment, being a composite of sounds from any source, near and far. For the purpose of this Ordinance, ambient noise level is the average decibel (dBa) level recorded during observations taken in accordance with industry standards for measurement and taken at any time when the alleged offensive noise is audible, including intermittent but recurring noise.
- 1) No operation or activity shall cause or create noise in excess of the sound levels prescribed below:
 - a) Residential districts. At no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty (60) decibels (dBa).
 - b) Nonresidential districts. At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty (60) decibels (dBa).
 - 2) Where two (2) or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.
 - 3) The following uses or activities shall be exempted from the noise regulations:
 - a) Customary and usual farming activities in all zoning classifications.
 - b) Noises emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m.
 - c) Noises caused by safety signals, warning devices, and other emergency-related activities or uses.
 - d) Noises emanating from public recreational uses between 7:00 a.m. and 11:00 p.m.
 - e) Normal utility and public works activities between the hours of 7:00 a.m. and 9:00 p.m. and emergency operations at any time.
 - 4) In addition to the above regulations, all uses and activities within the Township shall conform to all applicable county, state, and federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.
- B. Vibrations. Except for vibrations emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m., vibrations detectable without instruments on neighboring property in any district shall be prohibited. The prohibition on vibrations shall also be subject to any other separate ordinance adopted by the Township.
- C. Glare. There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes (for example, combustion or welding), so as to be visible from within any district.

- D. Radioactivity or electrical disturbance. No activity shall emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- E. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- F. Air pollution. No pollution by air by fly ash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling. Ultimately, air pollution may be acceptable provided that the use complies with all regulations or requirements of the DEP, EPA and all other regulatory agencies.
- G. Determination of compliance with performance standards. During the review of an application for zoning approval, the Applicant may be required to submit data and evidence documenting that the proposed activity, facility, or use will comply with the provisions of this section. In reviewing such documentation, the Township may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Township may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the Applicant. A negative report by the technical expert and the Applicant's refusal or inability to make alterations to ensure compliance with this section shall be a basis for denying approval of the application.

Section 502: Screening and Bufferyards

- A. A landscaping plan and associated planting details shall be submitted with all land use and zoning applications excluding lot line revisions and simple subdivisions.
- B. Landscape screening and bufferyard standards are intended to provide natural transition areas between developed lots, tracts, and parcels. The standards will facilitate this in the following ways:
 - 1) General landscaping standards are intended to assist in the development of more attractively landscaped outdoor spaces and provide for a greater sense of continuity within individual developments.
 - 2) The parking lot landscaping requirements should result in more shade, reduced glare and heat build-up, and lessened visual monotony created by large expanses of pavement and parked cars.
 - 3) Bufferyard standards, by requiring appropriate buffers between incompatible land uses, will reduce negative impacts of more intense uses relative to less intense adjacent uses.
- C. Bufferyards shall only apply where dissimilar uses are adjacent to one another; see Table 12 – Required Bufferyards.
 - 1) Bufferyards shall be installed within the property line of the proposed land use.
 - 2) Existing and proposed land use classifications within Table 12 – Required Bufferyards shall be determined by the North American Industry Classification System (2012 NAICS).
- D. Specific landscape standards and criteria are provided in the Township SALDO.

TABLE 12 – REQUIRED BUFFERYARDS

		Existing Land Use						
		Single Family Dwelling	All Other Residential Dwellings	Agriculture & Forestry (11)	Retail Trade (44-45)	Office & Other Services (51-92)	Construction, Manufacturing, Transportation & Warehousing (23-42 & 48-49)	Mining, Quarrying & Waste Management (21 & 562)
Proposed Land Use	Single Family Dwelling							
	All Other Residential Dwellings	✓						
	Agriculture & Forestry (11)							
	Retail Trade (44-45)	✓	✓					✓
	Office & Other Services (51-92)	✓	✓					✓
	Construction, Manufacturing, Transportation & Warehousing (23-42 & 48-49)	✓	✓	✓		✓		✓
	Mining, Quarrying & Waste Management (21 & 562)	✓	✓	✓	✓			✓
	PRD	✓	✓		✓	✓	✓	✓

Section 503: Nonresidential Use Lighting Standards

- A. All exterior parking lots, driveways, vehicular access aisles, pedestrian access areas, sidewalks, pathways, and loading spaces shall be sufficiently illuminated so as to provide a minimum of two (2) footcandle of illumination at the ground surface.
- B. Illumination shall be by sharp cut-off fixtures with flush-mounted lens cap, with the following exceptions.
 - 1) Decorative street lighting along streets (not including parking lot areas) is exempt from this requirement. However, streetlight poles for decorative street-lighting shall not

- exceed twenty-four (24) feet in height, measured from finished grade to the top of the fixture.
- 2) Decorative lighting along pedestrian walkways in front of buildings and in pedestrian plazas is exempt from this requirement. However, light poles for the decorative lighting shall not exceed fifteen (15) feet in height, measured from finished grade to the top of the fixture.
- C. Fixtures (including those mounted on a building or other structure) shall be mounted parallel to the ground surface, with the following exceptions.
- 1) Decorative street lighting along streets, decorative lighting along pedestrian walkways in front of buildings, and decorative lighting in pedestrian plazas are exempt from this requirement.
 - 2) Lighting for the purpose of highlighting a structure or landscape feature shall be exempt from this requirement.
- D. Pole height shall be a maximum of twenty-four (24) feet.
- E. All temporary and permanent outdoor lighting shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
- F. Illumination shall not exceed one footcandle at all property boundaries. The one-half (1/2) footcandle illumination shall be measured horizontally on the ground surface and shown on a photometric plan as required by the Township SALDO.
- G. All site lighting including architectural, landscape, and canopy lighting, shall be from a concealed source that is not visible from the property boundaries or public street ROW. Lighting associated with a freestanding or building canopy shall be recessed into the canopy.

Section 504: Residential Use Lighting Standards

- A. For all residential uses that require parking lots that contain more than ten (10) parking spaces, the proposed use shall comply with the requirements of the nonresidential use lighting standards above.
- B. All other proposed lighting in residential districts shall be oriented so as not to interfere with adjacent properties. Decorative street lights constructed in conjunction with a proposed residential development shall be designed to minimize impact to existing developments or properties.

Section 505: Floodplains

- A. All development and use of land and structures in floodplain districts shall comply with the most recently adopted floodplain management ordinance of the Township, as amended.

Section 506: Outdoor Storage

- A. Any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street.
- B. The Board of Supervisors may require additional buffering to screen material or equipment stored outside. The additional buffering would be in excess of any required bufferyards outlined in Section 502: Screening and Bufferyards.
- C. All non-residential rubbish and discarded materials shall be contained in tight, vermin-proof dumpsters which shall be screened from public view as required by the Township SALDO. Non-residential trash containers shall not be permitted in the front yard.

Section 507: Utilities

- A. All electrical, telephone, cable television, and other communication system service laterals on a lot or site shall be installed underground for new developments.

Section 508: Natural Gas and Oil Well Site Development

- A. A company, entity, or person desiring to engage in Natural Oil and Gas Well Site Development shall obtain a Zoning Permit from the Township.
- B. Application Requirements. The Application must include the following information:
 - 1) A written narrative signed and dated by the Applicant, describing the proposed use and outlining an approximate time line for the proposed development.
 - 2) Written authorization from the property owner(s) who has legal or equitable title in and to the surface of the proposed Development. A copy of the oil and gas, mineral, or other subsurface lease agreement or similar document vesting legal or equitable title to the surface will constitute written authorization.
 - 3) The name and address of each property owner for each property within 1,000 feet of the proposed well, and well as all abutting property owners.
 - 4) A copy of the Applicant's Erosion and Sediment Control Plan (ESCGP-2) and Post-Construction Stormwater Management Plan if said plans have been prepared by a licensed professional (e.g. engineer, surveyor, geologist or landscape architect) who is registered in Pennsylvania and who has attended up-to-date training provided by Pennsylvania Department of Environmental Protection, Office of Oil and Gas Management on erosion and sediment control and post construction stormwater management for oil and gas activities.
 - 5) A road access plan showing both temporary and permanent access routes and identifying all ingress and egress points.
 - 6) If any weight-restricted Township roads will be used by Applicant for any oil and gas development or operations, the Applicant shall comply with any applicable Township ordinances, PennDOT regulations, Township road bonding requirements, provide proof

- of bonding of said roads, and enter into a road maintenance agreement with the Township. In lieu of road bonding, the Township and Applicant may mutually agree to other terms to provide for restoration of the affected road(s).
- 7) A copy of Highway Occupancy Permits and other permits already obtained at the time of the application submission. If no such permit has been obtained, the Applicant shall provide a copy of its application for the HOP and an approved permit when obtained. A driveway permit shall be required if the entrance to the site is on a Township road.
 - 8) A copy of the Applicant's Preparedness, Prevention, and Contingency Plan.
 - 9) The name of an individual or individuals and their emergency contact information for the Township or residents to report emergencies twenty-four (24) hours a day each day of the week.
 - 10) Fee reimbursement. The Applicant agrees to reimburse the Township for all fees permitted under Section 617.3(e) of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10617.3(e).
- C. Minimum Lot Requirement. Natural Oil and Gas Well Site Development shall only be permitted to be located on property that is a minimum of ten (10) acres or larger. Multiple properties may be combined to meet the ten (10) acre minimum.
- D. State and Federal Compliance. The Applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The Applicant shall notify the Township, immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
- E. Access roads. Access to any well site shall be arranged to minimize danger to traffic and nuisance to surrounding properties and to maintain the integrity of Township roads. The following shall apply:
- 1) The access road to the well site, beginning with its intersection with a Township road, shall be paved for the first fifty (50) feet and shall be improved with gravel or limestone for the remaining length in a manner that would reasonably minimize water, sediment, or debris carried onto any public road. This shall be in place prior to the commencement of drilling operations.
 - 2) All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water, or water in mixture with any type of hydrocarbon be used for dust abatement.
- F. Traffic. The Applicant shall take necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with development, the Applicant will provide flag persons or other alternative and approved safety mechanism to ensure the safety of children at or near schools or school bus stops and include adequate sign and/or warning measure for truck traffic and vehicular traffic. Applicant will coordinate its efforts with affected school districts so as to minimize heavy truck traffic during the hours school buses are picking up or dropping off children.

- G. Site Orientation. Before drilling, First Responders shall have on-site orientation and be provided with adequate awareness information. Upon request from the Township, the Applicant will, prior to drilling of an oil or gas well, make available at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available at least annually during the period when the Applicant anticipates drilling activities in the Township.
- H. Noise standards for Natural Oil and Gas Well Site Development shall be equal to or less than sixty (60) decibels (dBa) at the property line dividing the site developed and all adjoining properties. In the event that an Applicant is unable to meet the aforementioned requirements the Applicant may either:
- 1) Utilize appropriate noise mitigation measures that may include sound barriers or such technology or devices that will allow the Applicant to meet said noise requirements; or
 - 2) Obtain a release waiver of said noise requirements from the owners/renters of those properties which would be affected by noise conditions in excess of that allowed.
- I. Lights. No Applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on public road, protected use, adjacent property, or property in the general vicinity of the operation site. To the extent practicable and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
- J. Water Storage. Temporary water storage tanks or impoundments are permitted on the same lot provided the Applicant shall adhere to the following:
- 1) Impoundment must be 200 feet from property lines;
 - 2) A copy of the Pennsylvania Department of Environmental Protection permits(s), if applicable, must be provided at the time of application or when available;
 - 3) Chain-link fencing must be installed around any impoundment and shall be at least eight (8) feet in height; and
 - 4) The impoundment must be reclaimed in accordance with Department of Environmental Protection's rules and regulations after all of the proposed wells have been completed, or after each well is completed in the event that no additional wells are to be drilled within three (3) months.
- K. Operating times. All site preparation and pre-production activities on the site, as well as access road maintenance, site reclamation activity, and other ongoing ancillary activities shall be permitted only on Mondays through Saturdays (with the exception of federal and/or state holidays) between the hours of 7:00 a.m. and 5:00 p.m., prevailing time, or as otherwise authorized by the Board of Supervisors. The active drilling and completions phases are exempt from the limitations of this paragraph.
- L. Signage, site identification. All signage must comply with Pennsylvania Department of Environmental Protection's "Unconventional Well 911 Emergency Response Information" Regulations. 35 Pa. C.S. § 7321 (a)(4) and 28 Pa. Code § 78.55(e), as may be amended.
- M. If there are unique characteristics of a proposed site, the Township Zoning Officer (if a permitted use) and/or the Board of Supervisors (if a conditional use) may impose or request additional requirements from an Applicant.

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Article VI: Parking

Section 601: Parking

- A. This Section sets minimum standards for off-street parking requirements for new construction, expansion of existing uses, or changes to existing uses. The purpose of this Section is to ensure that uses have a minimum level of off-street parking to avoid congestion on surrounding streets.

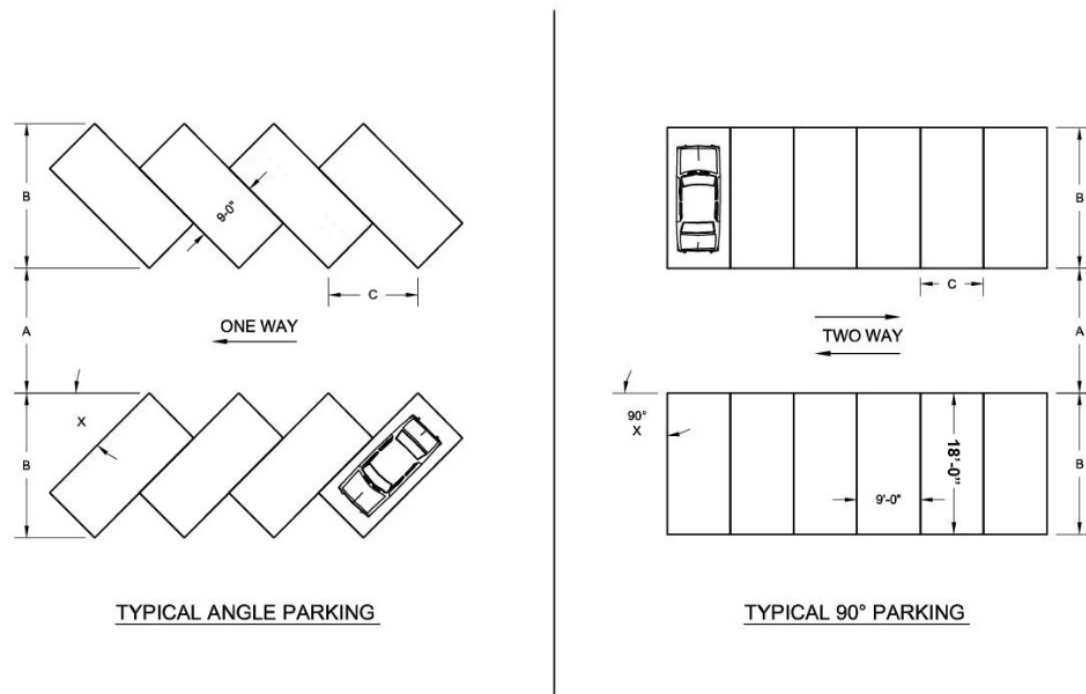
Section 602: Parking Dimensions

- A. Off-street parking spaces shall have minimum dimensions as established in Table 13 – Parking Dimensions.
- B. The minimum width of aisles internal to a parking lot or structure shall be as prescribed in Figure 2 – Parking Dimension Standards.
- C. Aisles having two-way traffic are required to provide a width of twenty-four (24) feet regardless of angle of parking.

TABLE 13 – PARKING DIMENSIONS

Minimum Parking Spaces and Aisle Dimensions			
Parking Angle	Aisle Width Dimension "A"	Stall Depth Dimension "B"	Stall Width Dimension "C"
30°	11'-0"	17'-9 ½"	18'-0"
45°	13'-0"	20'-6"	12'-9"
60°	18'-0"	21'-10"	10'-4 ½"
70°	19'-0"	21'-10 ½"	9'-7"
80°	24'-0"	21'-3"	9'-1 ½"
90°	24'-0"	18'-0"	9'-0"

FIGURE 2 – PARKING DIMENSION STANDARDS



Section 603: Parking Lot Layout and Design Standards

- A. All off-street parking lots with greater than 200 parking spaces shall include a separate internal driveway system which connects individual aisles to a public ROW. The purpose of the internal driveway system is to facilitate pedestrian and vehicular circulation and to create an interconnected circulation network.
 - 1) Internal driveways shall be provided to permit on-site access to all parking and loading facilities and to permit emergency vehicle access.
 - 2) Internal driveway systems shall be designed to connect into adjacent properties where practical. The Township may require an easement be placed on the property to allow for future connection to the adjacent properties.
- B. Joint access to abutting parcels shall be provided wherever practical. This will result in the development of shared parking areas at vehicular access points.
- C. All parking areas containing three (3) or more parking spaces shall include a turnaround that is designed and located so that vehicles can enter and exit the parking area without backing onto a public ROW.
- D. Except as otherwise permitted, off-street parking facilities shall be located on the lots on which the use or structure for which they are provided is located.
- E. All vehicular turning movements and maneuvering must take place on-site.
- F. All off-street spaces shall be adequately marked.

- G. All off-street spaces shall be constructed of an approved all-weather surface to provide safe and convenient access in all seasons. Said all weather surface shall be consistent with the Township Construction Standards or other paved surface approved by the Township Engineer. The construction of all such off-street loading spaces shall be subject to inspection and approval, by the Township Engineer, concerning the materials of construction and specification of construction, prior to, during, and after the completion of construction of such off-street loading spaces.
- H. All off-street parking lots shall include landscaping as required by the Township SALDO.
- I. All off-street parking lots, including loading areas, service areas, and driveways, may be curbed. All curbing shall be consistent with the Township Construction Standards or constructed with other material approved by the Township Engineer.
- J. All off-street parking lots shall include lighting as required by Article V: Supplemental Regulations.

Section 604: Accessible Parking Requirements

- A. Accessible parking shall meet the standards of the most recently adopted Township Building Code.

Section 605: Residential Parking Requirements

- A. In addition to the other standards of this Section, the following regulations shall apply to parking spaces in all residential zoning districts but excluding, Multifamily Dwellings:
 - 1) Parking spaces for all residential uses shall be located on the same lot as the use which they are intended to serve. Each required off-street parking space shall have direct access to a public ROW.
 - 2) The term "parking space" shall include but is not limited to a parking pad, driveway, or any other hard, non-grass covered, off-street area provided for parking a vehicle.
 - 3) Each parking space provided, constructed, or maintained for parking of vehicle(s) pursuant to the provisions of this Ordinance must have a width not greater than fifty percent (50%) of the measurement of the front of the dwelling or building structure located on the same lot.

Section 606: Parking Ratios

- A. The minimum parking ratio standards apply to all zoning districts except as may be modified by the provisions of this Ordinance.
- B. Table 14 – Parking Ratios establishes the minimum numbers of parking spaces required for the uses indicated. Parking requirements may be met by one (1) or more of a combination of the following methods:
 - 1) On-site parking. A use shall provide the minimum number of required spaces for all uses located on the lot or site pursuant to Table 14 – Parking Ratios. Only spaces that are designed consistent with this section are counted toward the minimum parking required. The following provision apply when providing the minimum number of required on-site parking spaces:

- a) Required parking for single family dwellings may be stacked and does not require separate access to each required space.
 - b) No part of a parking or loading space required for any building to comply with this Ordinance shall be included as part of a parking or loading space required for another building except as provided for in Section 607: Shared Parking.
 - c) Spaces at gasoline pumps and bays for auto repair/service are not counted toward the minimum parking required.
- C. Where the zoning application identifies accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or the GFA of each structure. This provision does not apply where the Applicant has sought and secured approval under the shared parking requirements of this Ordinance.
- D. Fractional measurements. When units or measurements determining the number of required off-street parking spaces result in a fractional space, then such fraction shall be rounded up to require a full off-street parking space.
- E. Parking needs analysis. The number of off-street parking spaces and loading spaces required by Table 14 – Parking Ratios may be reduced if a parking needs analysis demonstrates that the specified ratios in Table 14 – Parking Ratios exceed the total parking demand of all uses on the subject lot at any one time. The parking needs analysis is subject to the following conditions:
- 1) The parking needs analysis shall be signed and sealed by a licensed engineer.
 - 2) The parking needs analysis, in the form of a narrative, shall include all information outlined in Section 606: Parking Ratios.
 - 3) The parking needs analysis shall be approved by the Board of Supervisors.
- F. The landowner or developer shall update the Township-approved parking needs analysis upon any change in use of the subject lot.
- a) The Township Planning Commission shall determine the parking requirement for uses that do not correspond to the categories listed in Table 14 – Parking Ratios. In such instances, the Applicant shall provide adequate information by which the proposal can be reviewed, including, but not necessarily be limited to, the following:
 - 1) Type of uses;
 - 2) Number of employees;
 - 3) Building design capacity;
 - 4) Building occupancy load;
 - 5) Square feet of sales area and service area;
 - 6) Parking spaces proposed on site;
 - 7) Number of accessible parking spaces;
 - 8) Parking spaces provided elsewhere; and
 - 9) Hours of operation.

TABLE 14 – PARKING RATIOS

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Accessory Dwelling Unit	1 per Accessory Dwelling Unit
Adaptive Reuse	Determined as per Parking Needs Analysis
After Hours Club	1 per 200 square feet of GFA
Agricultural Operations	None except 1 per 200 square feet of gross leasable area of building used for sale of products produced on the premises
Airport	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees
Airport Control Tower	1 per employee
Ambulance Station	1 per employee plus 1 per 200 square feet of GFA
Amphitheater	Determined as per parking needs analysis
Amusement Arcade	Determined as per parking needs analysis
Amusement Park	1 per 600 square feet outdoor recreation area
Animal Cemetery	1 per acre, but not less than 5 spaces
Animal Day Care	1 per 600 square feet of GFA plus 1 per employee
Animal Groomer	2 per grooming station plus one per employee
Animal Hospital and Veterinarian Service	1 per each 400 square feet of GFA
Animal Production	1 per 1000 square feet GFA
Aquarium/Zoo	1 per employee plus spaces required to satisfy projected peak parking needs
Art Gallery	1 per each 200 square feet of GFA
Arts & Craft Studio	1 per each 200 square feet of GFA
Asphalt / Concrete Plant	Determined as per Parking Needs Analysis
Auditorium	1 per each 2 seats in the main seating area
Automobile Repair and Service	3 per repair bay and 1 per each employee
Bakery, Retail	1 per 300 square feet of GFA
Barn	None except for 1 per 4 stalls if used for commercial boarding
Bed & Breakfast Inn	1 per guest room and 2 spaces for owner
Beverage Distributor	1 per 300 square feet of GFA
Billboard	1 per site
Boarding House	1 per guest room plus 2 spaces for owner's portion
Brewery	Determined as per Parking Needs Analysis
Bus or Truck Maintenance Facility	3 per repair bay and 1 per each employee
Bus Terminal	1 per employee plus spaces required to satisfy projected peak parking needs
Campground	Determined as per parking needs analysis
Car Wash	1 per 375 square feet GFA, including service bays, wash tunnels, and retail areas
Care Facilities and Elderly Housing:	
Assisted living facility	1 per 3 rooms
Life care community	1 per 3 rooms

PARKING RATIO TABLE (cont.)

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Nursing home	1 per 3 rooms
Retirement housing facility	1 per 3 dwelling units
Catering/Event venue	1 per employee plus spaces required to satisfy projected peak parking needs
Catering (Kitchen/food prep only)	1 per employee
Cemetery & Mausoleums	1 per each employee and ample accessways to the cemetery sections so as to allow parking on the accessway for gravesite services and visitations
Clubs/Lodges (not including commercial recreation uses)	1 per 100 square feet of GFA
College/University	1 per 4 students
Commercial Motor Vehicle Repair	3 per repair bay and 1 per each employee
Commercial Recreation – Indoor	1 per employee plus spaces required to satisfy projected peak parking needs
Commercial Recreation – Outdoor	1 per employee plus spaces required to satisfy projected peak parking needs
Community Center	1 per 250 square feet GFA
Conference Center	1 per employee plus spaces required to satisfy projected peak parking needs
Construction-related Business	3 per 1,000 square feet GFA
Convenience Store	1 per 300 square feet GFA
Correctional Facility	1 per employee on maximum shift, 1 per service vehicle, and 1 per resident of a halfway house or similarly scaled facility
Custom Printing	1 per 300 square feet GFA
Day Care, Adult	1 per 375 square feet GFA
Day Care, Child	1 per 375 square feet GFA
Distillery	Determined as per parking needs analysis
Distribution Center	1 per 1000 square feet GFA
Dormitories	1 per 4 students
Dwelling types:	
Conversion Dwellings	2 per dwelling unit
Duplex	2 per dwelling unit
Mobile Home	2 per dwelling unit
Multifamily Dwellings	1.5 per dwelling unit
Quadruplex	2 per dwelling unit
Single-family	2 per dwelling unit
Townhomes	2 per dwelling unit
Educational Institution	1 per 200 feet GFA
Emergency Operation Center	1 per employee
Emergency Shelter	1 per 1,000 square feet GFA
Essential Services	None

PARKING RATIO TABLE (cont.)

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Extended Stay Hotel/Motel	1 per room plus 1 space per employee & 1 per 800 square feet of public meeting area
Farmers Market	1 per 300 square feet GFA
Financial Institution	1 per 300 square feet GFA
Fire Station	1 per employee plus 1 per each 3 volunteer personnel on normal shift plus 1 per 200 square feet of usable office space
Flea Market	1 per employee plus spaces required to satisfy projected peak parking needs
Forestry	None
Funeral Home/Crematorium	1 per 4 seats
Garden Center	1 per 1000 square feet
Gas/Fuel Station	1 per 375 square feet GFA including service bays, wash tunnels and retail areas
Golf Course	6 per hole
Golf Driving Range	1 per golf tee box plus 1 per employee
Grain Silos	None
Greenhouse/Nursery	1 per 375 square feet GFA
Group Care Facility	1 per 3 rooms
Group Home	1 for every 3 beds plus 1 for each employee
Hazardous Waste Recycling Facility	1 per employee
Heavy Equipment Repair & Business	3 per repair bay and 1 per each employee
Heliport Facility	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees
Home Occupational Business	Combined total for the dwelling type plus the non-residential use
Hospital	1 per 400 square feet GFA
Hotel	1 per room plus 1 space per employee plus 1 per 800 square feet of public meeting area
Kennel	1 per each employee on the maximum shift plus 1 per each 200 square feet of area devoted to the kennel area
Laboratory	Determined as per Parking Needs Analysis
Landscape Business	Determined as per Parking Needs Analysis
Laundromat	1 per 250 square feet GFA
Library	1 per 300 square feet of GFA
Live-Work Units	Combined total for the dwelling type plus the non-residential use
Magistrate Office & Court	1 per 300 square feet GFA
Mobile Home Sales	1 per 300 square feet GFA of sales building
Manufacturing Facility, Light	1 per 1000 square feet GFA
Manufacturing Facility, Heavy	1 per 1000 square feet GFA
Massage Establishment	1 per each 200 square feet of floor area

PARKING RATIO TABLE (cont.)

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Medical Clinic	1 per each 200 square feet of floor area
Medical Offices	1 space per employee, plus 4 spaces per doctor or practitioner on duty at any given time
Methadone Treatment Facility	1 per each 200 square feet of floor area
Micro Brewery	1 per 75 square feet of GFA
Micro Distillery	1 per 75 square feet of GFA
Mineral Development	1 per employee plus one per facility vehicle
Mixed-use	Combined total for the dwelling type plus the non-residential use
Mobile Home Park	2 per dwelling unit
Motel	1 per room plus 1 space per employee
Municipal Building	Determined as per Parking Needs Analysis
Natural Gas and Oil Well Site Development	N/A
Natural Gas Compressor Station	1 per employee plus one per facility vehicle
Natural Gas Processing Plant	1 per employee plus one per facility vehicle
Nature Preserve	Determined as per Parking Needs Analysis
Night Club	1 per 2 seats
Offices, Business & Professional	1 per each 300 square feet of floor area
Park	Determined as per Parking Needs Analysis
Park and Ride Facility	Not applicable
Parking Lot, Commercial	Not applicable
Parking Structure, Commercial	Not applicable
Pawn Shop	1 per each 200 square feet of GFA
Personal Services	1 per each 200 square feet of GFA
Pharmacy	1 per 200 square feet of GFA
Place of Worship	1 per 8 seats
Planned Residential Development (PRD)	Determined separately by each proposed individual use
Police Station	1 per employee plus 1 per each 3 volunteer personnel on normal shift plus 1 per 200 square feet usable office space
Post Office	Determined as per Parking Needs Analysis
Power Generation Facility	1 per employee
Railroad Facility	1 per employee
Recording Studio	1 per 300 square feet GFA
Recycling Business	1 per employee
Repossession Business	1 per employee plus 5 additional spaces for customers
Research and Development	1 per 500 square feet of GFA
Restaurant	1 per 75 square feet GFA
Restaurant, Drive In	1 per 75 square feet GFA
Restaurant, Neighborhood	1 per 75 square feet GFA

PARKING RATIO TABLE (cont.)

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Retail Store	1 per each 200 square feet of GFA
Roadside Stand (Accessory or Principal)	1 per employee on peak shift plus 4 reserve stacking spaces
Salt Storage Facility	1 per employee
Salvage Yard	1 per employee on peak shift plus 1 per 200 square feet of GFA used for office or administrative functions
School	Determined as per Parking Needs Analysis
Self-storage Facility	1 per 100 storage units plus 3 for management staff
Sewage Treatment Plant	1 per employee
Sexually-oriented and Adult Business	Determined as per Parking Needs Analysis
Shopping Center	1 per 300 square feet GFA
Short-term Rental (Accessory or Principal)	1 per bedroom
Skilled Nursing Facility	1 per employee plus spaces required to satisfy projected peak parking needs
Solar Energy Production Facility, Large	1 per service employee
Solid Waste Combustor or Incinerator	1 per employee
Solid Waste Landfill Facility	1 per employee
Solid Waste Transfer Station	1 per employee
Stable, Commercial	Determined as per parking needs analysis
Storage Yard, Principal	1 per employee
Supply Yard, Principal	1 per employee plus 5 additional spaces for customers
Tank Farms	1 per 1000 square feet GFA
Tattoo Parlor	1 per 300 square feet GFA plus 1 per employee
Tavern or Bar	1 per 2 seats
Taxi and Limousine Service	1 per employee
Theater	14 per 1000 square feet GFA
Theater, Drive-In	1 per employee
Towing or Other Road Services	1 per employee
Urban Agriculture, Principal	None
Vehicle Rental Facility	1 per employee plus 5 additional spaces for customers
Vehicle Sales	1 per each 2,000 square feet of lot area (excluding vehicle display area) for employee and customer parking
Warehouse & Storage Services	1 per 1000 square feet GFA
Water Intake Wells	Determined as per Parking Needs Analysis
Wind Energy Production Facility, Large	1 per service employee
Wireless Communications Facilities (WCF)	1 per service employee
Uses Not Identified	Subject to <u>Section 606: Parking Ratios C.</u>

Section 607: Shared Parking

- A) Shared Parking. Parking spaces required under this section may be provided cooperatively for two (2) or more uses on a site as shared parking subject to the requirements of this section. Off-street parking requirements of a given use may be met with off-site parking that is also off-street parking facilities of another use when, and if, all of the following conditions are met:
- 1) The off-site, off-street parking facilities are located on adjacent parcels and are located within 300 feet of the proposed uses.
 - 2) The parking demands of the individual uses, as determined by the Zoning Officer based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than the total parking stalls required.
 - 3) A written agreement between the owners and lessees is executed in perpetuity and recorded. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered in violation of its zoning approval and shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Ordinance.
 - 4) The Applicant shall provide calculations that demonstrate the individual and combined parking demands for the proposed shared parking uses during the following time periods:
 - a) Weekday daytime;
 - b) Weekday evening;
 - c) Weekend daytime;
 - d) Weekend evening.
 - 5) Together with sufficient evidence to establish the status of Applicants as owners or parties in interest, an application for approval of a shared parking plan shall be filed with the Zoning Officer by:
 - a) The owner of the land area to be included within the cooperative parking plan, and
 - b) The owner or owners of all structures then existing on such land area, and
 - c) All parties having a legal interest in such land area and structures.
 - 6) An application for approval of a shared parking plan shall include plans showing the location of the uses or structures that require off-street parking facilities, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common.
 - 7) In the event an application for approval of a shared parking plan also requires a Subdivision or Land Development approval, the shared parking agreement requires approval of the Planning Commission and the Board of Supervisors. In all other cases, the Zoning Officer shall approve or deny such applications
 - 8) All costs of any review of and report on the application shall be paid by the Applicant.

Section 608: Off-street Loading and Unloading

- A. All new nonresidential buildings shall provide required off-street loading berths in accordance with this Ordinance. In all zoning districts, whenever a new construction is proposed, off-street loading berths shall be provided in accordance with the requirements of this section.
- B. Off-street loading design.
- 1) Each loading berth shall be at least sixty-five (65) feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.
 - 2) Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Township Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.
 - 3) All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least thirty (30) feet from the nearest point of intersection of any two (2) streets.
 - 4) Loading berths shall be screened in accordance with Section 502: Screening and Bufferyards when facing any residential use or residential zoning district.
 - 5) All loading berths shall have a paved, concrete, or bituminous surface graded with positive drainage to dispose of surface water and shall be planned for in accordance with the Township Stormwater Management Ordinance.
 - 6) Any lighting used to illuminate loading berths shall be in accordance with Section 503: Nonresidential Use Lighting Standards.
- C. In all zoning districts, every use which requires the receipt or distribution by tractor-trailer of material or merchandise shall provide off-street loading berths in accordance with the following requirements:
- 1) Retail stores, freight terminals, industrial establishments, manufacturing establishments, retail stores, wholesale stores, personal business service establishments, business service establishments, storage warehouses, or any similar uses which receive deliveries shall provide the number of berths as required by .
 - 2) Table 15 – Berths Required (retail, Industrial, and Manufacturing).

TABLE 15 – BERTHS REQUIRED (RETAIL, INDUSTRIAL, AND MANUFACTURING)

Gross Floor Area (square feet)	Number of Berths Required
Under 10,000	None
10,000 to 19,999	1
20,000 to 39,999	2
40,000 to 65,000	3
For each additional 20,000	1 additional

- 3) Auditoriums, convention halls, exhibit halls, sports arenas, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings, and similar uses which receive deliveries by tractor-trailer shall provide the number of

berths as required by Table 16 – Berths Required (Auditoriums, Convention Halls, and Office Buildings).

TABLE 16 – BERTHS REQUIRED (AUDITORIUMS, CONVENTION HALLS, AND OFFICE BUILDINGS)

Gross Floor Area (square feet)	Number of Berths Required
Under 40,000	None
40,000 to 59,999	1
60,000 to 99,999	2
100,000 to 160,000	3
Over 160,000	4

- 4) Any other business that is expected to have deliveries from large vehicles not specifically identified herein may be required to provide loading berths in compliance with this section at the discretion of the Township.
- 5) In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public ROW.

Article VII: Signs

Section 701: Purpose

- A. The intent of this Article is to provide for the use of signs as a means of identification while maintaining and enhancing the physical environment, aesthetic character, and public safety of the community. The purpose of this Article is:
- 1) To require zoning approval for signs in all zoning districts subject to the standards and requirements of this Article.
 - 2) To prohibit signs not expressly permitted by this Article.

Section 702: Applicability

- A. The regulations contained in this Section shall apply to all signs in all zoning districts. No sign may be erected, placed, established, painted, created, altered, or maintained except in conformance with the standards, procedures, regulations, and requirements contained herein.
- B. For the purposes of this Ordinance, signs shall be authorized for approval pursuant to the following:
- 1) Authorized signs are those for which a zoning approval has been issued by the Zoning Officer following a review of an application and if the application indicates compliance with this Ordinance;
 - 2) Exempt uses are signs that are authorized but that are exempt from regulation under this Ordinance and do not require zoning approval;
 - 3) Prohibited signs are those not authorized by this Ordinance nor exempt from regulation.
- C. Signs shall be considered accessory uses on the lot or site they are located if they are subordinate to the principal use of the lot. Signs shall be subject to the General Standards of all Accessory Uses and Structures contained within Article III: District Regulations in addition to the requirements of this Article.
- D. The physical alteration of a sign face or supporting structure shall be considered the same as construction of a new sign and shall require zoning approval and conformity to all the requirements of this Article.
- E. Any sign installed or placed on public property or within a public ROW, except in conformance with the requirements of this Article shall be forfeited and is subject to confiscation in addition to other remedies the Zoning Officer shall have pursuant to this Ordinance.
- F. Enforcement and remedies of this Article shall be pursuant to the provisions of this Ordinance and include any other enforcement or remedies pursuant to state and federal law.

Section 703: General Regulations

- A. All applications for permits for construction, installation, maintenance, repair and/or modification of signs of any type or nature shall be submitted for review and approval or denial by the Township Zoning Officer prior to commencement of any activity or work by the Applicant or the Applicant's representative or delegate concerning installation, construction, or modification of such sign. The provisions of this Section and all of its Subsections shall apply to, but are not limited to, all replacement signs, new signs, changes or alterations to existing signs, or signs which must be relocated for any reason.
- B. A site plan or sketch, drawn to scale, shall be submitted to the Zoning Officer and shall depict the lot and building upon which the proposed sign will be located, and shall show all other buildings and structures located on said lot and their relationship to said sign. Information submitted to the Zoning Officer shall also include an application for sign permit; a written description of the materials and manner of construction and mounting of the sign; a description of the information and visual material to be included on all surfaces of the sign; a description of the illumination, if any, of the sign and one (1) or more photographs of the proposed sign location from each approach from which the sign will be visible.
- C. Permit required. A permit shall be obtained from the Township Zoning Officer, subject to filing the permit application and supporting information described above in this Section and subject to payment of the required established fee, prior to the construction, alteration, modification, or moving of any exterior sign. No exterior sign established before the effective date of this Ordinance shall be (except when ordered by an authorized public officer as a safety measure) altered in any respect, or moved, unless it be made to conform with the provisions of this Ordinance.
- D. Signs not to constitute traffic hazard. No sign or other advertising structure as regulated by this Ordinance shall be erected: (1) in such a manner as to obstruct free and clear vision; or (2) at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; (3) that makes use of the words "Stop," "Look," "Danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- E. Material and construction. All signs shall be securely built, constructed, and erected in compliance with all regulations and requirements of the relevant building codes and in addition:
- 1) The Zoning Officer may require calculations by an architect or engineer certifying the stability of a sign, with reference to dead load and wind stress capabilities when a sign is over twenty-five (25) square feet in area or in the case of a ground sign whose height is greater than ten (10) feet or a sign which weighs in excess of 100 pounds.
 - 2) Any sign damaged by inclement weather that is proven to be unsafe may not be restored in kind without engineering data as required above.
- F. Illumination and animation.
- 1) All externally illuminated and digital signs shall be inspected by the Township appointed UCC inspector during construction to verify compliance with the adopted Building Code of the Township.
 - 2) Illuminated signs shall be non-flashing and non-glaring and shall be illuminated in a manner to prevent glare and reflection to a public street or adjacent properties.
 - 3) All signs shall be non-animated with no exterior moving parts.

G. Maintenance.

- 1) Any sign regulated by this Ordinance shall be maintained in the proper structural and aesthetic condition by the owner or tenant.
- 2) If a sign no longer advertises a bona fide business or other activity conducted on the premises, it shall be taken down and removed by the owner, tenant, or by the entity having the beneficial use of the sign and the building within thirty (30) days of the termination of such business or other activity.

H. Permit fees.

- 1) A permit shall be obtained for the installation of all signs not exempted by this Ordinance.
- 2) The Applicant shall pay a permit fee as specified by the Township Fee Resolution.

Section 704: Types of Signs

- A. For the purposes of this Section, all signs shall be classified by the definitions provided in Article II: Definitions.

Section 705: Exempt and Prohibited Signs

- A. The following signs shall be exempt from these regulations:

- 1) Holiday decorations displayed for recognized state and federal holidays
- 2) Official notices authorized by a court, public body, or public safety official
- 3) Memorial / Historical plaques
- 4) Memorial signs and tablets when cut into any masonry surface or when constructed of bronze or other sculptured materials
- 5) Flags of a governmental organization
- 6) Signs authorized by the Township such as street signs, safety control signs, and traffic control signs
- 7) Public notice / public warning signs
- 8) Temporary auction, garage sale, bake sale, or yard sale signs not exceeding six (6) square feet in area
- 9) Address numbering signs
- 10) Temporary construction signs (only during active construction)
- 11) Signs of any type placed on public property by authorization of the Township
- 12) Real estate signs which advertise the sale, rental, or lease of the premises upon which the said sign is located, provided that the sign only relates to the rental, lease, or sale of the property on which it is displayed. No more than two (2) such signs may be placed upon any lot, premise, or property and not more than one (1) such sign fronting one (1) street.
- 13) A-Frame signs shall be permitted on sidewalks provided that only one (1) such sign per premises shall be permitted. Such a sign shall not obstruct pedestrian travel and shall

be removed each evening upon closing. A-Frame Signs shall not exceed six (6) square feet per side.

- 14) Signs announcing candidacy for public office. Such signs shall not be installed on utility poles, shall not be installed more than sixty (60) days before the election to which they are relevant and shall be removed within five (5) calendar days immediately following the relevant Election Day.

B. The following signs shall not be permitted in any zoning district:

- 1) Flashing, blinking, changing, animated, inflatable, or moving signs, except digital signs authorized by this Article
- 2) Pennants, including "swooper flags," non-governmental flags, or streamers
- 3) Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this Ordinance
- 4) Signs that resemble traffic signals or any sort of traffic device
- 5) Signs that exhibit statements, words, or pictures of obscene nature or pornographic subjects as determined by the Board of Supervisors
- 6) Roof signs
- 7) Signs on trees, utility poles, and traffic devices
- 8) Signs that are hazardous to public safety and/or are located in the public ROW.

Section 706: Determining Sign Area and Height

A. The following shall control the computation of sign area and height:

- 1) Computation of Area of Single-faced Signs. The area of a sign face shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, decorative fence, or decorative wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. Any digital portions of a proposed sign and/or a sign base that contain a message or logo shall be included in the calculation of the sign area.
- 2) Computation of Area of Multi-faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure and not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces. Any digital portions of a proposed sign and/or sign base that contains a message or logo shall be included in the calculation of the sign area.
- 3) Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
 - a) the existing grade prior to construction or

- b) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

Section 707: Permitted Signs in Residential Districts

A. In the A-R and R-1 Residential Districts only the following exterior signs shall be permitted:

- 1) No ground signs shall be permitted, except as provided for in the Subsections below.
- 2) A nameplate not exceeding two (2) square feet in area containing only the name of the resident, the title of the person practicing a profession, the name of the building upon which the nameplate is located, and the name of agents, or any combination of the foregoing may be placed directly against the building wall.
- 3) A ground/monument sign erected upon the premises of an educational, philanthropic, or religious institution, including a church, hospital or similar institution for the purpose of displaying the name of the institution that shall be limited to one (1) such sign. Institutional ground/monument signs shall be located at least ten (10) feet back from the street ROW.
 - a) The square foot area of an institutional ground/monument sign in a residential district shall not be permitted to exceed an area of fifty (50) square feet for each side.
 - b) The maximum height of an institutional ground/monument sign in a residential district shall be twenty (20) feet.
- 4) No more than one (1) instructional or directional bulletin sign not exceeding twelve (12) square feet in area may be erected upon the premises of an educational, philanthropic, or religious institution, including a church, hospital, or similar institution for the purpose of displaying the name of the institution and its activities or services.
- 5) One (1) residential development sign that identifies the name of the residential development may be placed at each entrance to the development provided:
 - a) if it contains only one (1) face, it does not exceed thirty-two (32) square feet in total gross surface area or
 - b) if it contains two (2) faces, each face does not exceed sixteen (16) square feet in gross surface area.
- 6) In the R-1 residential district only one (1) exterior wall or ground sign identifying only the name of the structure or building and not exceeding twenty-four (24) square feet in area shall be permitted in connection with a multi-family dwelling.
- 7) Directional signs as specified elsewhere in this Ordinance.

B. No pole signs are allowed in any residential district.

C. No sign shall be erected upon, or applied to, any roof, except a religious symbol unaccompanied by lettering, when applied to the cornice, tower, or spire of a place of worship.

- D. Any illumination of a sign, nameplate, or bulletin board shall be of a non-flashing, nonmoving, indirect type.
- E. Signs shall be constructed in accordance with the provisions of this Ordinance and shall be kept in good condition and maintained so as not to create hazardous or threatening conditions to the health or safety of persons in the vicinity of said sign or to cause a public nuisance. The Township may take all lawful and proper actions necessary to revoke all permits and licenses issued for such a sign and may order said sign removed or brought into compliance with the Township Ordinances and regulations within thirty (30) days of the date of issuance of such notice and order, in writing, by the Zoning Officer.

Section 708: Permitted Signs in all Nonresidential Districts

- A. In all nonresidential districts (C-1, I, and S-C Districts), the following signs shall be permitted:
 - 1) Any sign permitted in any residential district, subject to all stated conditions for said residential district sign.
 - 2) Wall signs.
 - a) The area of a business or identification wall sign shall not be greater than one (1) square foot multiplied by the width in feet of the principal building facade along the public ROW up to a maximum of 150 square feet.
 - 1) Where a building has frontage on more than one (1) public road the owner, occupant, or agent may erect a sign on each wall facing the frontages with each sign meeting the square footage requirements of this Section, provided that all other provisions of this Section are observed.
 - b) Wall signs shall not extend beyond the side edges of any wall in either direction nor shall the sign extend above:
 - 1) the roof line of buildings having flat roofs,
 - 2) the deck line of buildings having mansard roofs, or
 - 3) the gutter line of buildings having gable, hipped, or gambrel roofs.
 - c) Wall signs shall only identify the owner or enterprise conducting the business, the business engaged in or upon the premises, or the products or services sold, or any combination thereof.
 - d) Wall signs for multiple occupancy buildings:
 - 1) Where several businesses or uses occupy a single building, each business may be permitted to a share of the building's allowable sign area, at the direction of the building owner.
 - 2) If the owner permits the allowable square footage to be shared, the owner shall develop guidelines which require all signs located on the building to be compatible in terms of size, type, style, color, lighting, and design characteristics. A copy of these guidelines shall be filed with the Sign Permit application and shall be a condition of permit approval.
 - 3) Ground/Pole sign.
 - a) All properties within non-residential districts are permitted one (1) ground/pole sign.

- b) The square foot area of ground/pole signs shall be limited to one (1) square foot of sign area for every one (1) linear foot of property frontage on a public ROW subject to the following conditions:
 - 1) No ground/pole sign shall be permitted to exceed an area of fifty (50) square feet for each face.
 - 2) When property without a building on it is occupied by a business, one (1) permanent identification sign not exceeding forty (40) square feet shall be permitted on the vacant lot. Such sign shall be located at least fifteen (15) feet back from the street ROW.
 - c) The maximum height of a ground/pole sign shall be twenty (20) feet. The minimum height of the bottom edge of any ground/pole sign shall be ten (10) feet except when it is erected as a monument sign.
 - d) Ground/Pole signs are not permitted in the public ROW.
 - e) Ground/Poles signs shall be setback a minimum of fifteen (15) feet from the street ROW line or forty (40) feet from the centerline of a roadway without a defined ROW. Ground/pole signs shall also be located a minimum of five (5) feet from any building and ten (10) feet from any side property line.
 - f) For ground/pole signs over ten (10) square feet in area, an additional one (1) foot of separation from adjacent side property lines shall be required for every ten (10) square feet of sign area.
- 4) Temporary signs.
- a) Temporary signs shall be a maximum of thirty-two (32) square feet in area.
 - b) Temporary signs shall be located a minimum of fifteen (15) feet from any property or ROW lines and shall comply with all other height and location requirements of the category of permanent signs which they emulate.
 - c) Temporary signs must be located on the same lot as the use which they advertise.
 - d) All temporary signs shall be attached to a building or to the ground in a manner satisfactory to the Zoning Officer to protect the public health, safety, and welfare.
 - e) A temporary sign shall not be used or erected for more than thirty (30) days, unless otherwise authorized herein and the sign shall be removed immediately upon expiration of the Sign Permit.
 - f) Permits for temporary signs for the same use or lot shall not be issued more than four (4) times in any calendar year.
 - g) Nonresidential properties shall be limited to a maximum of three (3) temporary signs.
- 5) Advertising on awnings and canopies.
- a) Advertising on awnings and canopies shall be limited in size to a maximum of fifty percent (50%) of the allowable size of a wall sign permitted on the same structure.
 - b) Such signage shall only include the name and/or logo of the business, industry, or pursuit conducted therein.
 - c) Canopies shall comply with the height requirements of projecting signs as identified in this Article.
- 6) Marquee signs.

- a) Marquee signs may be attached only to the front and sides of marquees and shall not project beyond the edges or the bottom of the marquee nor extend more than ten (10) inches horizontally from the surface of the marquee.
- 7) Directional signs.
 - a) Directional signs are permitted in non-residential districts as specified elsewhere in this Ordinance.
 - 8) Digital signs.
 - a) No digital sign face shall be installed except as part of a wall or ground/pole sign and the placement and manner of installation of digital sign faces shall be subject to the placement and installation restrictions for the wall or ground/pole.
 - b) No digital sign shall be brighter than is necessary for clear and adequate visibility.
 - 1) All digital signs shall have installed ambient light monitors and shall at all times allow the monitors to automatically adjust the brightness level of the digital sign based on ambient light conditions so as to minimize and keep consistent the sign brightness.
 - 2) The maximum brightness level for such signs shall not exceed 5,000 NITS when measured from the sign's face at its maximum illumination between dawn and dusk, as those times are determined by the National Weather Service.
 - 3) The maximum brightness level for such signs shall not exceed 300 NITS when measured from the sign's face at its maximum illumination between dusk and dawn, as those times are determined by the National Weather Service.
 - 4) No permit shall be issued for the installation of a digital sign unless the Applicant has submitted a written certification from the sign manufacturer certifying that the light intensity of the sign has not been preset to exceed the illumination levels established herein and that the intensity level is protected from end-user manipulation by password-protected software or similar security measures.
 - c) All digital signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen in instances of malfunction.
 - d) Digital signs, exclusive of static alphanumeric displays, shall additionally be subject to the following operational limitations:
 - 1) Each message or image shall remain static and unchanged for a period of no less than fifteen (15) seconds.
 - 2) No message or image shall be permitted to blink, flash, or move.
 - 3) No message shall display any characters with a height of less than nine (9) inches.
 - 4) No message shall display more than twelve (12) individual words.
 - 5) Each message or image shall be complete without continuation of content to the next display or to another sign.
 - 6) Each message or image shall be followed by a transition period in which the display reverts to a black screen for a minimum period of three seconds.
 - 7) No digital sign shall emit any sound or audio message.

Section 709: Murals

- A. Murals are permitted as a conditional use in the commercial (C-1) district.
- B. Murals may be authorized by Board of Supervisors as a conditional use upon a finding that compliance with the requirements of this Ordinance, as well as the following specific criteria, have been met by the Applicant:
 - 1) The submission by the Applicant of a conditional use application that shall contain the information, maps, plans, narrative, and graphic materials set forth in the Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses.
 - 2) All murals shall not exceed the height of the structure to which it is tiled, painted, or affixed.
 - 3) All murals shall not exceed a height of twenty (20) feet above grade.
 - 4) A mural shall not consist of, nor contain:
 - a) electrical or mechanical components; or
 - b) changing images, including but not limited to moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, or
 - c) the appearance of movement or change of the mural image or message, not including static illumination turned off and back on not more than once every twenty-four (24) hours).
 - 5) A mural shall not be placed over the exterior surface of any building opening including, but not limited to windows, doors, and vents.
 - 6) A mural shall not be placed on a lot that has an exclusively residential structure.
 - 7) A mural shall not be illuminated.

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Article VIII: Wireless Communications Facilities

Section 801: Purpose and Findings of Fact

- A. The purpose of this Section is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities (WCF) in the Township. While the Township recognizes the importance of WCFs in providing high quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
- B. By enacting this Ordinance, the Township intends to:
- 1) Promote the health, safety, and welfare of Township residents and businesses with respect to WCFs.
 - 2) Provide for the managed development of WCFs in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations.
 - 3) Establish procedures for the design, siting, construction, installation, maintenance, and removal of both tower-based and non-tower based WCFs in the Township, including facilities both inside and outside the public ROW.
 - 4) Address new wireless technologies, including but not limited to, DAS, data collection units, cable Wi-Fi, and other WCFs.
 - 5) Encourage the co-location of WCFs on existing structures rather than the construction of new tower-based structures.
 - 6) Treat each communications services provider in a nondiscriminatory and competitively neutral manner in exercising the Township's authority.
 - 7) Protect Township residents from potential adverse impacts of WCFs and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.
 - 8) Update the Township's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

Section 802: General Standards for All Tower-Based WCFs

- A. General Standards. The following regulations shall apply to all tower-based WCFs:
- 1) Conditional Use Required. Each Applicant proposing the construction of a tower-based WCF shall complete and submit a conditional use application as either a principal or accessory use prior to beginning construction of such WCF. Such application shall be evaluated by the Township and subject to the proceedings of Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses.
 - 2) Proof of Ownership or Agreement. The Applicant shall include a copy of a written agreement for use of the land if the Applicant is not the owner of the parcel on which the Tower-Based WCF will be constructed.

- 3) Historic Buildings or Districts. No tower-based WCF may be located on a building or structure that is either listed on the National Register of Historic Places or the National Register of Historic Places in Pennsylvania, is eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the Township.
- 4) Related Equipment. Ground-mounted related equipment greater than three (3) cubic feet, such as cabinets and accessory structures, shall not be located within fifty (50) feet of a lot in residential use or a lot zoned for residential uses.
- 5) Standard of Care. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to, the most recent editions of the ANSI Code, National Electrical Safety Code, National Electrical Code as adopted by the Pennsylvania UCC, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the WCF shall not endanger the life of any person or any property in the Township.
- 6) Wind. Any tower-based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the ANSI, as prepared by the engineering departments of the Electronics Industry Association, and the Telecommunications Industry Association (ANSI/TIA-222-E Code, as amended).
- 7) Height. Any tower-based WCF shall be designed at the minimum functional height. All Applicants must submit documentation to the Township justifying the total height of the structure. The maximum total height of any tower-based WCF that is not located in the public ROW, shall not exceed 150 feet, which height shall include all subsequent additions or alterations. Equipment buildings, cabinets, and accessory structures shall not exceed fifteen (15) feet in height.
- 8) Public Safety Communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- 9) Maintenance. The following maintenance requirements shall apply:
 - a) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- 10) Modifications. Applicants proposing the modification of any tower-based WCF shall submit a Building Permit application to the Township and shall not commence such modifications until the complete application has been received by the Township.
- 11) Radio Frequency Emissions. No tower-based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

- 12) Signs. All tower-based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. There shall be no other signage permitted on the WCF except for that required by law and FCC/FAA regulations.
- 13) Lighting. Tower-based WCFs shall not be artificially lighted except as required by law. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- 14) Noise. Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and Township regulations, except in emergency situations requiring the use of a backup generator and in such situations noise standards may be exceeded on a temporary basis only.
- 15) Aviation Safety. Tower-based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- 16) Timing of Approval. Within thirty (30) calendar days of the date that an application for a tower-based WCF is filed with the Township, the Township shall notify the Applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application and the Township shall advise the Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the Applicant to provide the information shall not be counted toward the 150 day review period.
- 17) Non-Conforming Uses. Non-conforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location within one (1) year after damage occurs, but must otherwise comply with the terms and conditions of this Ordinance. Co-location on non-conforming tower-based WCFs is permitted.
- 18) Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a) All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.
 - b) If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF. In addition to and not in lieu of any other remedy available to the Township to recover costs associated with removal, the Township shall file liens against the WCF owner and the owner of any real property upon which a WCF is sited in order to recover any unpaid legal fees, consultant fees, and court cost that may be incurred.
 - c) Any unused portions of tower-based WCF, including antennae, shall be removed within six (6) months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.

- 19) FCC License. Each person that owns or operates a tower-based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility, to the Township.
- 20) Insurance. Each person that owns or operates a tower-based WCF greater than forty-five (45) feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF. Each person that owns or operates a tower-based WCF forty-five (45) feet or less in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each tower-based WCF.
- 21) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring, and related costs.
- 22) Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- 23) Indemnification. Each person that owns or operates a tower-based WCF, or the property on which such WCF is located shall, at its sole cost and expense, indemnify, defend, and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage or depreciation of property value or for violation of property or zoning rights, arising in whole or in part from, caused by, or connected with any act or omission of the person, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the tower-based WCF. Each person that owns or operates a tower-based WCF and each owner of property upon which a tower-based WCF is located shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage, was caused by the construction, installation, operation, maintenance, or removal of tower-based WCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.
- 24) Engineer Signature. All plans and drawings for a tower and antenna shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
- 25) Financial Security. Prior to receipt of a zoning permit for the construction or placement of a tower-based WCF, the Applicant shall provide to the Township financial security in the form of a letter of credit or bond sufficient to guarantee the removal of the tower-based WCF. The amount of said financial security shall be determined based upon industry standards for removal and shall remain in place until the tower-based WCF is removed.

Section 803: Specific Requirements for Tower-Based WCFs Outside of the ROW

- A. Tower-based Facilities outside the ROW. The following regulations shall apply to tower-based WCFs located outside the public ROW:
- 1) Location. No tower-based WCF shall be located in an area in which all utilities are located underground, except as permitted by this Ordinance.
 - a) Tower-based WCFs may be located in the following zoning districts:
 - 1) I – General Industrial District
 - 2) A-R – Agricultural–Residential District
 - b) Such tower-based WCFs shall not be located in, or within, 100 feet of an area in which all utilities are located underground.
 - 2) Permitted as an accessory use on a Lot. A tower-based WCF may be located as permitted in the general standards for accessory structures, as set forth in Article III: District Regulations.
 - 3) Permitted as a Sole Use on a Lot. A tower-based WCF may be permitted as a sole use on a lot, provided such WCF conforms to the regulations set forth in Article III: District Regulations.
 - 4) Site Requirements:
 - a) Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting if the proposed WCF is greater than fifty (50) feet in height.
 - b) Minimum Setbacks. The tower-based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district. In addition, the minimum setback for the tower shall be a distance that is at least equal to one and one half (1 ½) times the height of the tower.
 - 5) Combined with Another Use. A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - a) The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the communications facility.
 - b) Minimum Setbacks. The tower-based WCF and accompanying equipment building shall comply with the general standards for accessory uses. In addition, the minimum setback for the tower from any existing structures shall be a distance that is at least equal to one and one half (1 ½) times the height of the tower.
 - 6) Gap in Coverage. An Applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage.
 - 7) Co-Location and Siting. An application for a conditional use for a new tower-based WCF shall not be approved unless the Board of Supervisors finds that the wireless

communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building, or on Township property. Any application for a conditional use for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two (2) mile radius from the point of the proposed tower, unless the Applicant can show to the satisfaction of the Board of Supervisors that a different distance is more reasonable and can demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

- 8) Notice. Upon submission of an application for a Tower-Based WCF, the Applicant shall mail notice to all owners of every property within 500 feet of the proposed facility. The Applicant shall provide proof of the notification to the Township.
- 9) Design Regulations:
 - a) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF Applicant shall be subject to the approval of the Board of Supervisors.
 - b) Any height extensions to an existing tower-based WCF shall require prior approval of the Board of Supervisors. The Township reserves the right to deny such requests based upon aesthetic and land use impact or any other lawful considerations related to the character of the Township.
 - c) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.
- 10) Surrounding Environs:
 - a) The Applicant shall ensure that the existing vegetation, trees, and shrubs located in proximity to the WCF structure shall be preserved to the maximum extent possible. Any plantings shall conform to the standards set forth in Article V: Supplemental Regulations.
 - b) The Applicant shall submit a soil report to the Township to document and verify the design specifications of the foundation of the tower-based WCF and anchors for guy wires, if used.
- 11) Fence/Screen:
 - a) A security fence having a maximum height of eight (8) feet shall completely surround any tower-based WCF greater than fifty (50) feet in height, including any guy wires or any building housing WCF equipment.
 - b) A screen of evergreen trees planted eight (8) feet on center and staggered in two (2) rows shall be located along the perimeter of the security fence surrounding a tower-based WCF greater than fifty (50) feet in height. Existing vegetation shall be preserved to the maximum extent possible.
- 12) Accessory Equipment:
 - a) Ground-mounted equipment associated to, or connected with, a tower-based WCF shall be underground or screened from public view using stealth technologies, as described above.

- b) All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
 - c) Additional Antennae. As a condition of approval for all Tower-Based WCFs, the WCF Applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennae without obtaining the prior written approval of the Township.
- 13) Access Road. An access road, turnaround space, and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.
- 14) Parking. For each tower-based WCF greater than fifty (50) feet in height, there shall be two (2) off-street parking spaces, or one (1) space per employee, whichever is greater.
- 15) Inspection. The Township reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within Township regulations or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

Section 804: Specific Requirements for Tower-Based WCFs in the Public ROW

- A. Tower-based Facilities in the ROW. The following regulations shall apply to tower-based WCFs located in the public ROW:
- 1) Tower-Based WCFs are prohibited in underground utility areas.
 - 2) Location. An Applicant must site tower-based WCFs within an existing ROW of a collector road in the Township and meet the following requirements:
 - a) The tower-based WCF facility is not sited within seventy-five (75) feet of an area in which utilities are underground.
 - b) Any tower-based WCF sited in the public ROW shall not be located directly between the front facade of any structure and the public or private ROW on which the structure fronts.
 - c) Any tower-based WCF shall be located at, or as close to as practicable to, the point where a side lot line intersects with a street ROW line.
 - 3) Gap in Coverage. An Applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in

wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based WCFs in the ROW.

- 4) Notice. Upon submission of an application for a tower-based WCF, the Applicant shall mail notice to all owners of every property within 500 feet of the proposed facility. The Applicant shall provide proof of the notification to the Township.
- 5) Co-location and Siting. An application for a new tower-based WCF in the ROW shall not be approved unless the Township finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two (2) mile radius from the point of the proposed tower, unless the Applicant can show to the satisfaction of the Township that a different distance is more reasonable, and can demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- 6) Time, Place, and Manner. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all tower-based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the PUC.
- 7) Equipment Location. Tower-based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - a) The placement of all ground-mounted equipment, walls, or landscaping shall be in accordance with the standards set forth in this Ordinance.
 - b) Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - d) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti. If such graffiti is not removed within the aforementioned time period, the Township will remove it and assess the cost of removal to the WCF owner.
 - e) Any underground vaults related to tower-based WCFs shall be reviewed and approved by the Zoning Officer based on considerations of safety, accessibility, and impact on use of the ROW.
- 8) Design Regulations:
 - a) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF Applicant shall be subject to the approval of the Board of Supervisors.
 - b) Tower-based WCFs in the public ROW shall not exceed forty-five (45) feet in height.

- c) Any height extensions to an existing tower-based WCF shall require prior approval of the Township and shall not increase the overall height of the tower-based WCF to more than forty-five (45) feet.
 - d) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.
- 9) Additional Antennae. As a condition of approval for all tower-based WCFs in the ROW, the Applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennae without obtaining the prior written approval of the Township.
- 10) Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of tower-based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the Township, consistent with its police powers and applicable PUC regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:
- a) The construction, repair, maintenance, or installation of any Township or other public improvement in the ROW.
 - b) The operations of the Township or other governmental entity in the ROW.
 - c) The vacation of a street or road or the release of a utility easement.
 - d) An emergency as determined by the Township.

Section 805: General Standards for All Non-Tower WCF

A. General Standards. The following regulations shall apply to all non-tower WCF:

- 1) Permitted in All Zones Subject to Regulations. Non-tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Zoning Officer.
- 2) Locations Restrictions. Non-tower WCFs shall meet the following location restriction:
 - a) Prohibited on Certain Structures. Non-tower WCFs shall not be located on single-family detached residences, single-family attached residences, or any accessory residential structure.
 - b) Related Equipment. Ground-mounted related equipment greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use or zoned residential.
 - c) Historic Buildings. No non-tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or that is eligible to be so listed, or that is listed on the official historic structures and/or historic districts list maintained by the Township, or that has been designated by the Township to be of historical significance. The Board of Supervisors may, in its

- discretion, waive this prohibition if the Applicant can demonstrate that the proposed location is less visually intrusive than other potential sites.
- 3) Proof of Ownership or Agreement. The Applicant shall include a copy of a written agreement for the use of the structure if the Applicant is not the owner of the parcel on which the non-tower WCF will be constructed.
 - 4) Building Permit Required. Applicants proposing a modification to the structure of an existing non-tower WCF shall obtain a Building Permit from the Township. In order to be considered for such permit, the Applicant must submit a permit application to the Township.
 - 5) Standard of Care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the WCF shall not endanger the life of any person or any property in the Township.
 - 6) Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).
 - 7) Height. Any non-tower WCF shall be designed at the minimum functional height. All WCF Applicants must submit documentation to the Township justifying the total height of the structure.
 - 8) Public Safety Communications. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
 - 9) Maintenance. The following maintenance requirements shall apply:
 - a) The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of Township residents.
 - c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
 - 10) Radio Frequency Emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
 - 11) Aviation Safety. Non-tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
 - 12) Timing of Approval. Within thirty (30) calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the Applicant in

writing of such decision. The Township shall notify the Applicant as to completeness of the application within thirty (30) days of receipt. The timing requirements in this Section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.

- 13) Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a) All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Township.
 - b) If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
- 14) Insurance. Each person that owns or operates a non-tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the non-tower WCF.
- 15) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF.
- 16) Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- 17) Indemnification. Each person that owns or operates a non-tower WCF shall, at its sole cost and expense, indemnify, defend, and hold harmless the Township, its elected and appointed officials, employees, and agents, at all times against any and all claims for personal injury, including death, and property damage or depreciation of property value or for violation of property or zoning rights, arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the non-tower WCF and each owner of property upon which a non-tower WCF is located. Each person that owns or operates a non-tower WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of a non-tower WCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.
- 18) Engineer Signature. All plans and drawings for all non-tower WCFs shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

Section 806: Specific Requirements for Non-Tower WCF Outside the ROW

- A. Non-tower WCF outside the ROW. The following regulations shall apply to non-tower WCFs outside the ROW:
- 1) Development Regulations. Non-tower WCFs shall be co-located on existing structures, such as existing buildings or tower-based WCFs, subject to the following conditions:
 - a) Such WCF does not exceed the maximum height permitted in the underlying zoning district.
 - b) If the Applicant proposes to locate the related equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - c) An eight (8) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
 - 2) Design Regulations.
 - a) Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the Applicant shall be subject to the approval of the Board of Supervisors.
 - b) Non-tower WCFs that are mounted to a building or similar structure, may not exceed a height of ten (10) feet above the roof or parapet.
 - c) The total height of any support structure and mounted WCF shall not exceed the maximum height permitted in the underlying zoning district.
 - d) All Applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - 3) Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
 - 4) Non-Commercial Usage Exemption. Township citizens utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this Ordinance.
 - 5) Removal, Replacement, Modification.
 - a) The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennae.
 - b) Any material modification, such as an increase in height or width, to a WCF shall require a prior amendment to the original permit or authorization.
 - 6) Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within Township

regulations or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

Section 807: Specific Requirements for Non-Tower WCF in the Public ROW

- A. Non-tower WCF in the ROW. The following additional regulations shall apply to all non-tower WCFs located in the ROW:
- 1) Co-location. Non-tower WCFs in the ROW shall be co-located on existing poles in the public ROW, such as utility poles or light poles.
 - 2) Design Requirements:
 - a) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - b) Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
 - 3) Time, Place, and Manner. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all non-tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the PUC.
 - 4) Equipment Location. Non-tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - a) The placement of all ground-mounted equipment, walls, or landscaping shall be in accordance with the standards set forth in Article V of the Township Zoning Ordinance.
 - b) Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - d) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - e) Any underground vaults related to non-tower WCFs shall be reviewed and approved by the Township.
 - 5) Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably

necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the Township, consistent with its police powers and applicable PUC regulations, shall have determined that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:

- a) The construction, repair, maintenance, or installation of any Township or other public improvement in the ROW.
- b) The operations of the Township or other governmental entity in the ROW.
- c) The vacation of a street or road or the release of a utility easement.
- d) An emergency as determined by the Township.

Article IX: Planned Residential Development

Section 901: Purpose

- A. Purpose: It is the purpose of this Section to establish regulations and controls for the use of land and structures, areas of lots, bulk of buildings, amount and kind of open space, off-street parking and other similar accessory regulations in a Planned Residential Development (PRD) in accordance with guidelines set forth in the MPC, 53 P.S. § 10701 et seq., as amended. PRD is designed to provide for developments incorporating a single type, or variety of, residential and related uses that are planned and developed as a unit. Such development may consist of individual lots or it may have common building sites. Further, PRD is intended:
- 1) Provide for a more varied, innovative, and efficient development pattern consistent with traditional patterns and scale of development, a mix of uses, and designs that occurred prior to newer suburban development patterns.
 - 2) Promote a mix of diverse but compatible types of neighborhood development.
 - 3) Encourage a blend of housing at a moderate density to serve various age groups and types of housing.
 - 4) Provide for safe and convenient pedestrian, bicycle, and vehicle circulation.
 - 5) Provide walkable development patterns and shift the focus from motor vehicles to pedestrians and bicycles.
 - 6) Encourage persons to work, shop, and recreate in and around the neighborhood within which they live.
 - 7) Encourage the creation of a sense of place and a community spirit that promotes social interaction.
 - 8) Conserve open space and encourage a more efficient use of land, resulting in smaller networks of utilities and streets and lower housing and infrastructure maintenance costs.

Section 902: Procedure for Approval

- A. Authority. The Township shall hear and decide requests for PRD in accordance with the provisions and procedures of this Article.
- B. Compliance. No proposed PRD may be approved or recorded, and no lot of the proposed PRD may be sold or any structure built, altered, moved, or enlarged in any proposed PRD unless and until the proposed PRD plan has been shown to meet all requirements of all applicable regulations and ordinances of the Township, including but not limited to this Article.
- C. Relationship to the Township SALDO. All provisions of the SALDO, which are not specifically modified by this Article, shall apply to any PRD involving subdivision or land development with the exception of the following:
- 1) Application procedures.
 - 2) Review and approval process.

- D. Application Procedure, General. An application for development of a PRD is governed by and follows the procedure of Article VII of the MPC, 53 P.S. §§ 10701 et seq. The Applicant shall submit all applications to the Zoning Officer.
- E. Pre-application Conference (Optional).
- 1) Purpose. Before submission of an application for tentative approval, the Applicant is strongly encouraged to have a meeting with the Township staff and such other personnel as may be necessary to determine the feasibility, suitability, and timing of the application. The intent of this step is for the Applicant to obtain information and guidance from the Township before entering into any commitments or incurring substantial expenses with regard to the site and the PRD plan preparation.
- F. Tentative Approval.
- 1) Application Content. An application for tentative approval of a PRD shall include the following:
 - a) One (1) copy of the application form, provided by the Township, and completed by the Applicant.
 - b) Application fee for tentative approval of a PRD.
 - c) Maps and information required by the SALDO, Part 4, that shall show compliance with Subsection (4) of §707 of the MPC, 53 P.S. §10707(4), and shall provide information to determine the location and size of the common areas and common open space and the form of the organization proposed to own and maintain the common areas for PRD.
 - d) Plans and information documenting compliance with Subsections (4) and (5) of §707 of the MPC. Such plans and information shall indicate reasons why the PRD is consistent with the Comprehensive Plan and is in the interest of the Township. Requested modifications to the SALDO otherwise applicable to the site shall be cited.
 - e) Total number of lots for each type of residential use.
 - f) The total number of dwelling units and for each type of residential use the percentage in relation to the total number of residential dwelling units.
 - g) The acreage of each type of nonresidential use, square footage proposed, and location of areas proposed for nonresidential uses.
 - h) General vehicular and non-vehicular patterns including all points of access to the site for the entire PRD. Including a map designating streets types and identifying those proposed for public dedication.
 - i) Location and dimensions of streets and ROW of the proposed street network. A street specification document shall be provided as part of the tentative plan if new streets are proposed with the PRD.
 - j) Boundaries and conceptual depiction of the location and proposed use in each area of the development which includes depictions of residential and nonresidential uses.
 - k) A narrative that describes the proposed covenants, restrictions, development standards, and the proposed community association documents or a draft of such documents.

- l) Location of proposed public utilities including improvements that will be owned, operated, and maintained by a property owners association.
 - m) A plan for stormwater management facilities that shall be accompanied by an analysis and discussion of anticipated stormwater management methods.
 - n) A plan for providing street lighting, street trees, sidewalks, and pedestrian or bicycle trails as proposed and/or required by this Article or the Township SALDO.
 - o) Such other data as is reasonably found necessary by the Planning Commission and/or the Board of Supervisors.
- 2) Planning Commission Review and Comment. The Planning Commission shall review and discuss the proposed PRD at an open meeting and take public comments on the proposed application for tentative approval; the Planning Commission shall make a written recommendation to the Board of Supervisors on any application for tentative approval of a PRD. The Planning Commission shall set forth the reasons for its recommendation that the proposal be either approved or denied.
 - 3) The Butler County Planning Commission Review and Comment. At least thirty (30) days before the public hearing, Applicant shall submit the application for tentative approval of a PRD to the Butler County Planning Department for review and comment as required by the MPC, 53 P.S. §§ 10101 et seq.
 - 4) Public Hearing. The Board of Supervisors shall hold a public hearing on the application for tentative approval in accordance with §708 of the MPC, 53 P.S. §10708. The Township shall provide notice of the public hearing to be given as required by law.
 - 5) Considerations for Approval. The Board of Supervisors shall consider whether the proposed application for development of a PRD will make for a more efficient, attractive, and harmonious planned development, as compared to the underlying zoning district.
 - 6) Findings. The Board of Supervisors shall make findings in accordance with §709 of the MPC, 53 P.S. §10709.
 - 7) Official Written Communication. The official written communication of findings shall be certified by the Board of Supervisors and a certified copy shall be mailed to the landowner and developer in accordance with §709 of the MPC, 53 P.S. §10709.
- G. Status of Plan after Tentative Approval. The status of a plan after tentative approval shall be in accordance with §710 of the MPC, 53 P.S. § 10710.
- H. Final Approval.
- 1) Submission of Application. The application for final approval of a PRD shall be submitted within six (6) months after tentative approval unless the Township grants an extension upon written request of the developer to a date not to exceed eighteen (18) months from the date of tentative approval. However, PRDs proposed in phases shall have applications for final approval made pursuant to the phase schedule set forth in the official written communication of the findings of the Township with respect to tentative approval.
 - 2) Application Content. An application for final approval of a PRD shall include the following:
 - a) Twelve (12) copies of an application form provided by the Township and completed by the developer.
 - b) Application and review fees for final approval of a PRD.

- c) Maps and information with the same number of copies as required by the SALDO, Part 4.
 - d) Twelve copies of final drawings, prepared by an architect, including floor plans and elevations for all structures and buildings other than residential dwellings all proposed signs, all exterior illumination, and all outside storage areas.
 - e) The final plat for the PRD containing those items approved in the application for tentative approval and the items required in the SALDO.
 - f) Twelve (12) copies of a development schedule showing:
 - 1) The order of construction of the proposed sections delineated in the final development plan.
 - 2) The proposed date for the beginning of construction on said sections.
 - 3) The proposed date for the completion of construction on said sections.
 - 4) The proposed schedule for the construction and improvement of the common areas.
 - g) Twelve (12) copies of deed restriction proposals to preserve the character of the common areas.
 - h) If the developer elects the association or nonprofit corporation method of administering common areas, the proposed bylaws of the association or the certificate of incorporation and the incorporated bylaws of the nonprofit corporation.
 - i) If the developer elects the condominium method of ownership of common areas, the proposed declaration of condominium bylaws and related documents.
 - j) Instruments dedicating all public and private ROW, easements, and other public lots shown on the final development plan from all persons having any interest in said lots.
 - k) The developer's financial security that shall guarantee the installation of the private and public improvements specified in the final development plan by providing financial security in the amount of 110 percent of the estimated cost of construction of the private and public improvements as determined in accordance with §509 of the MPC, 53 P.S. § 10509.
 - l) Two (2) copies of paid tax receipts from all taxing bodies indicating taxes have been paid in full, up to and including the current period.
- 3) Planning Commission Review and Recommendation. The Planning Commission shall examine the application and determine if the application meets the criteria and includes the items required and if the application for final approval complies with the conditions of tentative approval, if any. The Planning Commission shall forward its written recommendation to the Board of Supervisors for final approval, setting forth its findings and reasons.
 - 4) Action on Application for Final Approval. Action on the application for final approval shall be in accordance with §711 of the MPC, 53 P.S. § 10711.
- I. Recording of Final Development Plan. Recording of the final development plan shall be in accordance with §711(d) of the MPC, 53 P.S. §10711(d). The time for recording of a final development plan granted final approval by the Board of Supervisors shall be governed by the provisions of the SALDO.

- J. Zoning Permit. No zoning approval for construction or erection of structures or for occupancy and use shall be issued until the final development plan has been approved and recorded. Upon proof of recording and certification of final approval by the Board of Supervisors, a zoning permit shall be issued by the Zoning Officer.
- K. Procedure for PRD Amendments after Final Approval and/or Recording. Any amendment to a PRD submitted after final approval for recording which does not violate any of the conditions or requirements of the tentative approval or of the zoning district classification may be approved at an open meeting of the Board of Supervisors after recommendation by the Planning Commission. Amendments involving substantive changes or modifications to conditions shall require a public hearing in the same manner as for an application for tentative approval of a PRD. Upon approval of the amendment, the recorded final development plan shall be amended and rerecorded to conform to the amendment.
- L. Completion and Acceptance of Public Improvements. Upon completion of the public improvements in a final development plan, the provisions of the SALDO shall apply and govern the completion and acceptance of public improvements.
- M. Release of Financial Security. The release of the financial security required under this Ordinance shall be governed by the SALDO and the acceptance of public improvements and the required maintenance guarantee shall be governed by the SALDO.
- N. Remedies to Effect Completion. The remedies available to the Township to effect completion of public improvements shall be governed by the SALDO.
- O. Uniformity with the SALDO. The provisions of the preceding Sections are intended to make uniform the requirements of this Article and the SALDO.

Section 903: General Provisions

- A. A PRD shall be permitted within the following zoning districts:
 - 1) A-R – Agricultural Residential District
 - 2) R-1 – Rural Residential District
 - 3) C-1 – General Commercial District
- B. The PRD shall be served by:
 - 1) Central water services supplied to each building, as approved by the DEP or PUC and
 - 2) Public or private sewer systems, as approved by the DEP or PUC.
- C. The provisions of this Article for approval of a PRD plan shall be a modification to and in lieu of procedures for approvals otherwise required in this Ordinance and the SALDO.
- D. In addition to the requirements of this Article, Applicants and developers must also apply for and obtain any and all permits required by this Ordinance and any other Township ordinance.
- E. Failure to comply with the provisions of this Article with respect to a recorded development plan shall be deemed to constitute a violation of this Ordinance.

Section 904: Permitted Uses

- A. Permitted Uses. The following uses may be permitted in a PRD development plan provided their design, arrangement, landscaping, and construction meet the requirements set forth in this Ordinance.
- 1) Residential Uses – Single-family dwellings, duplex dwellings, townhouses, multifamily dwellings, and quadruplex dwellings.
 - a) A minimum of thirty percent (30%) of all residential uses within a PRD shall be single-family dwellings.
 - 2) Commercial Uses – Uses allowed in the underlying zoning district shall be permitted in conjunction with a PRD. All provisions of the underlying Zoning District, including bulk and area requirements, shall apply in establishing commercial uses in a PRD.
 - a) In no case shall the commercial area of a PRD exceed ten percent (10%) of the gross site area of the PRD.
 - b) No commercial uses shall be permitted in a PRD with a gross site area less than fifty (50) acres in size.
 - 3) Other Permitted Uses – clubhouse, common open space, parks, and playgrounds.
- B. Permitted accessory uses. The accessory uses permitted on a lot or parcel within a PRD shall be strictly limited to the following:
- 1) Accessory uses customarily incidental and subordinate to a principal permitted use referenced in Section 904: Permitted Uses A. above.
 - 2) No-impact home-based businesses subject to Article III: District Regulations.
 - 3) Home occupational businesses subject to Article III: District Regulations.

Section 905: Site Design Requirements

- A. Site Requirements. The site for any PRD shall meet the following requirements:
- 1) The entire site for the development plan shall be owned or controlled by the Developer.
 - 2) The site must provide for direct access from a collector or arterial road as defined by the Township Zoning Ordinance to assure convenient and safe access that will not cause undue congestion or hazard on local streets.
 - 3) Existing natural features, such as trees, steep slopes, watercourses, historic assets, and similar irreplaceable assets shall be preserved insofar as possible through harmonious design of the development plan.
- B. Minimum Size. The site shall not be less than ten (10) acres for a PRD.
- C. Permitted Density. The maximum number of dwelling units permitted shall be five (5) units/acre of the gross site area dedicated to non-commercial uses. In calculating the residential density, all proposed commercial acreage shall be subtracted from the gross site area. When mixed use structures are proposed that include upper story residential uses in conjunction with first floor commercial uses, the acreage for the mixed use structures shall be included in the gross site area for calculation of residential dwelling units.
- D. Building Spacing. The requirements determining the spacing of buildings shall be as flexible as possible so as to encourage imaginative site design. The spaces between buildings shall

guarantee adequate light, air and emergency access as required by the Township Building Code.

- E. Building height. Building height shall comply with the requirements of the underlying zoning district.
- F. Off Street Parking. Off-street parking spaces shall be provided in accordance with the specifications of *Article VI: Parking*.
- G. Streets. Street design and construction shall comply with the street design and construction specifications of the SALDO and Township Construction Standards.
 - 1) Multiple access points shall be provided for PRD developments over 100 acres.
- H. Stormwater Drainage. The construction of a storm drainage system shall conform to the regulations of the Township Stormwater Management Ordinance.
- I. Signs. See *Article VII: Signs*.

Section 906: Required Elements

- A. Sidewalks and Pedestrian Walkways. Sidewalks shall be required on both sides of all streets. In addition, pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities.
 - 1) All sidewalks and walkways shall be consistent with the Township Construction Standards.
 - 2) In lieu of providing a sidewalk along the frontage of a collector or arterial street a minimum six (6) foot wide sidewalk or eight (8) foot wide trail shall be permitted to be constructed elsewhere on the property, at a location mutually agreed to by the Township and the Applicant, and within an easement or other ROW granted by the Applicant, provided that such alternative trail or sidewalk is open to the public and creates a continuous pedestrian pathway connecting either end of the property at points along or near such collector street.
- B. Utilities. All utilities located within the PRD shall be located underground.
- C. Lighting. Lighting shall be provided at all street entrances, intersections, and collective gathering areas subject to the approval of the Township Engineer.
 - 1) Individual post lighting may be required outside the ROW by the Board of Supervisors.
 - 2) Additional site lighting for safe pedestrian movement may be required by the Board of Supervisors.
- D. Trees. Trees shall be planted along all streets. The location and types must meet the approval of the Planning Commission.
- E. Common Open Space. All PRD's shall preserve twenty-five percent (25%) of the gross site area as common open space.
 - 1) Common Open Space for Active Recreation. At least ten percent (10%) of the required twenty-five percent (25%) common open space shall have a slope of ten percent (10%) or less and shall be designed for active recreation uses. Active recreation spaces should include parks, plazas, greens, and/or squares.
 - 2) Areas devoted to stormwater management facilities shall be permitted to be included within the minimum required common open space area where such facilities are

integrally incorporated into the overall open space design and use best management practices, but in no case shall it be counted towards the required active recreation space.

- 3) Common open spaces shall be used for social, passive recreational, and/or natural environment preservation purposes. The common open space shall typically include all or part of the following resources:
 - a) Mature woodlands.
 - b) Historic, archeological, or cultural features listed, or eligible to be listed, on the National Register of Historic Places.
 - c) Wetlands and/or environmentally sensitive areas.
 - 4) Common open space land shall be accessible from a road within the development plan or shall adjoin and become part of an existing open space area that is accessible from a road within the development plan.
- F. Perimeter Buffer. A minimum site perimeter buffer of fifty (50) feet shall be provided in a PRD.
- 1) The perimeter buffer shall be green space with no improvements with the exception of stormwater management facilities and points of access.
 - 2) The area of the perimeter buffer shall be included in the open space calculations.
 - 3) Landscape plantings shall be provided within the perimeter buffer when required by Section 502: Screening and Bufferyards.
 - 4) Where mature, existing, woody vegetation sufficient to serve as a visual screen occurs along the perimeter and no development is proposed within seventy-five (75) feet of the lot line, a fifty (50) foot preservation strip may be substituted.
- G. Building materials.
- 1) The exterior finishes of all residential facades (excluding the roof, trim around windows and doors, flashing, minor architectural features, ornamentation, and the like) shall be constructed out of brick, cultured stone, stucco (when used as an accent to other approved building materials), cementitious siding or a combination of the foregoing, or as otherwise approved by the Planning Commission.
 - 2) All principal residential and nonresidential buildings and private garages shall have brick or cultured stone to grade construction, being that no portion of the building between the ground and any bottom of the first floor shall show exposed concrete block.
 - 3) All buildings shall be constructed in accordance with the Township Building Code.

Section 907: Additional Design Standards

- A. Alleys. Alleys shall not be permitted in PRD sites.
- B. Block pattern. Street ROW shall be permitted with thirty-five (35) foot minimum paved radii.
- C. Visibility. At all proposed driveways and intersections, minimum acceptable sight distance shall be provided for all permitted turning movements.

- D. Emergency access. Suitable access for emergency vehicles shall be provided within all neighborhood design development sites, including adequate clear width and height and access to reach all principal buildings.
- E. Townhouse units per residential building. No more than six (6) dwelling units shall be attached in a row and no more than sixty-seven percent (67%) of said units shall have the same front setback.

Section 908: Common Open Space Standards of Ownership and Maintenance

- A. Ownership: Any of the following methods may be used, either individually or together, to preserve, own, and maintain common open space: condominium, homeowners' association, dedication in fee simple, dedication of easements, transfer of fee simple title, and easements to a private conservation organization. Such land shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under this Section. The following specific requirements are associated with each of the various methods.
 - 1) Homeowners' Association – the common open space may be held in common ownership by a homeowners' association.
 - 2) Fee Simple Dedication – the Township may, but shall not be required to, accept any portion of the common open space, provided (1) such land is accessible to the residents of the Township; (2) that there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and (3) Township agrees to and has access to maintain such lands.
 - 3) Transfer to a Private Conservation Organization – with permission of the Township, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or restrictive easement to a private nonprofit organization, among whose purposes is to conserve open space land and/or natural resources, provided (1) the organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence; (2) the conveyance contains appropriate provision for proper reverter or re-transfer in event that the organization becomes unwilling or unable to continue carrying out its functions; and (3) a maintenance agreement acceptable to the Township is reached.
 - 4) Dedication of Easements – the Township may, but shall not be required to, accept easements for public use of any portion or portions of open space land, title to which is to remain in ownership by condominium or homeowners' association, provided (1) such land is accessible to the residents of the Township; (2) that there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and (3) a maintenance agreement acceptable to the Township is reached.
 - 5) Condominium – the common open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the condominium laws of the Commonwealth of Pennsylvania.
- B. Specific Requirements for Homeowners' Associations: If a homeowners' association is formed, it shall be governed according to the following regulations:
 - 1) The Developer shall provide to the Township a description of the organization, including its bylaws and documents governing open space maintenance and use restrictions.

- 2) The organization shall be established by the Developer and shall be operating (with financial subsidization by the Developer, if necessary) before the sale of any lots within the development.
- 3) Membership in the organization is mandatory for all purchasers of homes therein and their successors.
- 4) The organization shall be responsible for maintenance of and insurance on common open space. The organization also shall be responsible for real estate taxes on common open space.
- 5) The members of the organization shall share equitably the costs of maintaining and developing common open space, in accordance with the procedures established by them.

C. Common Open Space Maintenance Requirements:

- 1) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.
- 2) If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said maintenance by the Township shall not constitute a taking of said common open space nor vest in the public any rights to use the same.
- 3) Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PRD, to be held by the Board of Supervisors or its designated agency.
- 4) At which hearing such organization or the residents of the PRD shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the Township or its designated agency shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, then the Township may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
- 5) The decision of the Board of Supervisors or its designated agency shall be subject to appeal to court in the same manner and within the same time limitation as is provided for zoning appeals by this Ordinance.

- 6) The cost of such maintenance by the Township shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space and shall become a lien on said properties.

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Article X: Nonconforming Uses, Structures, and Lots

Section 1001: Purpose

The purpose of this Article is to regulate nonconforming uses, nonconforming buildings, nonconforming structures, nonconforming lots, and nonconforming signs. The zoning districts established by this Ordinance are designed to guide the future use of Township land by encouraging the development of desirable residential, commercial, and other uses with appropriate groupings of compatible and related uses that promote and protect the public health, safety, and general welfare. The regulations of this Article are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate districts as well as to afford opportunities for creative use and reuse of those other nonconformities that contribute to a neighborhood.

Section 1002: Nonconforming Uses

A. Continuation of nonconforming uses.

- 1) Any unlawfully existing use or any use not having obtained the required permits, including but not limited to Building Permits, Certificates of Occupancy, Home Occupation Permits, etc. is not a nonconforming use under, and as referenced in, this Ordinance. The burden of proof of lawful existence shall rest with the property owner.
- 2) Any lawfully existing nonconforming use may be continued so long as the use remains otherwise lawful, subject to the regulations contained in this Section. Continuance may include performance of:
 - a) Ordinary repairs,
 - b) Maintenance,
 - c) Replacement,
 - d) Installation,
 - e) Or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring, or plumbing.
- 3) Structural repair of nonconforming uses may only be performed in cases of public safety.

B. Change of nonconforming uses to conforming.

- 1) Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this Ordinance or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this Ordinance or its amendments.
- 2) Whenever any nonconforming use shall have been changed or altered to conform to the provisions of this Ordinance or its amendments, then the prior nonconforming use shall not be resumed provided, however, that if a later amendment to this Ordinance should make the new use it became when it was changed or altered, a nonconforming use with its provisions then such use as changed or altered shall become a new nonconforming use to the extent of such nonconformance or non-compliance.

C. Expansion or extension of nonconforming uses.

- 1) No nonconforming use may be extended or expanded in any building, in any structure, in the lot on which it is located, or on the lot on which it is located. Nor may any nonconforming use be moved to a different position upon the lot on which it is located so as to alter the use or its location which existed at the time that the use became nonconforming.
- 2) No such nonconforming use shall be enlarged, or increased, or extended to occupy a greater lot area than was occupied at the effective date of adoption or amendment of this Ordinance, unless the Zoning Hearing Board shall interpret that the enlargement or extension is necessary by the natural expansion and/or by the natural growth of trade of the nonconforming use. For the purposes of determining if an enlargement or expansion of nonconforming use meets this requirement the Applicant shall file an application for a special exception pursuant to the requirements of Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses. The Applicant must meet all the applicable requirements and criteria of Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses in addition to providing evidence that the enlargement or extension is necessitated by the natural expansion and/or by the natural growth of trade of the nonconforming use.
- 3) Whenever a Zoning District shall be hereafter changed by a duly adopted amendment to this Ordinance, then any existing legal nonconforming use of such changed district may be continued and such use may be extended throughout the structure.

D. Abandonment or discontinuance of nonconforming uses.

- 1) The lawful use of the land existing at the time this Ordinance or any of its amendments was adopted, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is abandoned, any future use of said land shall conform to the provisions of this Ordinance.
- 2) Any subsequent use shall conform to the applicable provisions of this Ordinance or its amendments and the prior nonconforming use shall not be resumed, unless in accordance with the applicable provisions of this Ordinance or its amendments.

E. Nonconforming accessory uses and structures.

- 1) No use, structure, or sign that is accessory to a principal nonconforming use shall continue after such principal use or structure has been abandoned or removed, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.

Section 1003: Nonconforming Buildings or Structures

A. Continuation of nonconforming buildings or structures.

- 1) Any unlawfully existing building or structure or any building or structure not having obtained the required permits, including but not limited to Building Permits, Certificates of Occupancy, Home Occupation Permits, etc. is not a nonconforming building or structure under, and as referred in, this Ordinance. The burden of proof of lawful existence shall rest with the property owner.
- 2) Any nonconforming building or structure which is devoted to a use which is permitted in the zoning district in which it is located may be continued so long as the use remains otherwise lawful, subject to the restrictions in this Section.

B. Structural alteration of nonconforming buildings or structures.

- 1) A lawful nonconforming building or structure existing at the time of the adoption of this Ordinance or an amendment hereto may be structurally altered. Such alteration shall not expand its nonconformity into areas not previously occupied by the nonconforming buildings and structures unless meeting the requirements of expansion and extension of nonconforming uses as required in this Ordinance. However, no parking, yard, space, or bulk nonconformity may be created or increased by the structural alterations.
- C. Changes of nonconforming buildings or structures to conforming.
- 1) Whenever any nonconforming building or structure shall have been changed or altered to conform to the provisions of this Ordinance or its amendments, then such nonconforming building or structure shall remain in conformance with the applicable provisions of this Ordinance or its amendments.
 - 2) If a later amendment to this Ordinance should make the building or structure as changed or altered once again nonconforming, then the building or structure as changed or altered will become a new nonconforming building or structure to the extent of such nonconformance or noncompliance.
- D. Damage or destruction of nonconforming buildings or structures.
- 1) When a structure is damaged or destroyed by any means not within the control of the owner, repair or restoration of such structure may be made, provided, however, that no parking, yard, space, or bulk nonconformity is created or increased.
- E. Expansion or extension of nonconforming buildings or structures.
- 1) Any nonconforming aspect of a building or structure may not be extended on the lot on which it is located.
 - 2) A nonconforming building or structure can only be moved to a different position upon the lot on which it is located if the new location is in conformity with this Ordinance and the structure complies with the Township Building Code.
 - 3) Legal nonconforming residential structures may be expanded to allow for necessary accessibility improvements.
 - 4) Whenever a zoning district shall be hereafter changed by a duly adopted amendment to this Ordinance, then any existing legal nonconforming structure of such changed district may be continued and such use may be extended throughout the structure.
- F. Repairs and renovation of nonconforming buildings or structures.
- 1) Repairs and renovations of nonconforming buildings or structures, such as renewal or replacement of outer surfaces or windows and replacement of structural parts or members shall be permitted notwithstanding other provisions of this Ordinance.
 - 2) Such repairs and renovations are allowed provided they do not change or alter substantially the physical configuration of the nonconforming building or structure or change its position on the ground.
 - 3) No increase in the size of or area covered by the nonconforming use or in the area of the use within the building or structure is allowed except as provided for in this Ordinance. The areas of nonconforming use within a building or structure may be rearranged in connection with such repairs, renovation, or modernization, provided that no enlargement or expansion of the nonconforming use occurs.
- G. Nonconforming accessory uses and structures.

- 1) No use, structure, or sign that is accessory to a principal nonconforming use shall continue after such principal use or structure has been abandoned or removed, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.

Section 1004: Nonconforming Signs

- A. Continuation of nonconforming signs. Subject to the limitations and termination provisions hereinafter set forth, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful after the effective date of this Ordinance.
- B. Alteration or moving. A nonconforming sign of any type may not be moved to another position or location upon the building, structure, or lot on which it is located nor may the size or area of such nonconforming sign be changed or its structure or construction changed unless such changes are to change the face of the sign.
- C. Damage, destruction, or replacement. Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of fifty percent (50%) of its market value at the time of destruction or damage, such sign shall not be restored or replaced, unless it conforms to all provisions of this Ordinance. Damage only to the face of a sign shall not be construed to constitute fifty percent (50%) of its market value, and the sign face may be replaced.
- D. Abandonment. If use of a nonconforming sign is abandoned or interrupted for any reason for a continuous period of more than 180 days, then such nonconforming sign together with its panel cabinet, supports, braces, anchors, and electrical equipment shall be removed within fourteen (14) days from the end of the aforesaid period and the use of such sign shall not be resumed except in accordance with the provisions of this Ordinance.
- E. Health, Safety, Welfare. If any sign or supporting structure subject to the regulation of the provisions of this Ordinance constitutes a threat to health, safety, or welfare of the area surrounding said sign or has been constructed, installed, or maintained in violation of any provision of this Ordinance, the Zoning Officer shall give written notice to the person or entity who owns or who is maintaining such sign. If the owner or entity maintaining such sign fails to modify the sign so as to comply with the provisions of this Article within twenty (20) days after the date of said written notice from the Zoning Officer, then the Zoning Officer and other Township officials shall take steps as necessary to promptly have said sign brought into compliance with this Ordinance up to and including removal of the sign in order to comply with this Ordinance.

Section 1005: Registration of Non-Conformity

- A. In the course of administering and enforcing this Ordinance and reviewing applications for zoning certificates, temporary use permits, sign permits, variances, or etc., the Zoning Officer may register nonconforming uses, nonconforming structures, and nonconforming lots as they become known through the application and enforcement process. Registration and proof of nonconforming uses, structures, and lots shall be the burden of the property owner.

Article XI: Administration and Enforcement

Section 1101: Applicability

- A. It shall be unlawful to use or occupy any structure or lot or part thereof until zoning approval has been issued by the Township. Further, no structure shall be erected, added to, or otherwise have any structural alterations made to it until zoning approval has been issued by the Township. No zoning approval shall be issued until conditions of any prior approvals, requirements of this Ordinance, and requirements of the Township SALDO have been complied with, including but not limited to, approval of a conditional use, approval of a special exception use, or recording of the final plat of a Subdivision or Land Development. Any zoning approval issued in conflict with the provisions of this Ordinance shall be null and void.
- B. Zoning approval shall state that the proposed use of the structure or lot conforms to the requirements of this Ordinance. Any change in use shall require zoning approval as set forth by Article I: General Provisions.

Section 1102: Repairs and Maintenance

- A. Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of use or structure shall not themselves be regulated by this Ordinance.

Section 1103: Authorization of Types of Uses

- A. Permitted by right uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is permitted by right if it meets all of the requirements of this Ordinance.
- B. Special exception use or application requiring a variance. A permit under this Ordinance for a use requiring a special exception or variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.
- C. Conditional Use. A permit under this Ordinance for a use requiring conditional use approval shall be issued by the Zoning Officer only after the Township Supervisors grants conditional use approval.

Section 1104: Required Permits and Certificates

- A. Zoning Permit. A permit issued indicating that a proposed use, building, or structure is in accordance with the provisions of the Zoning Ordinance. A Zoning Permit is needed to:
 - 1) Erect, reconstruct, move, structurally alter, or enlarge any structure or building.
 - 2) Use or occupy any vacant land.
 - 3) Change the use of a structure or land to a different use.
 - 4) Change a nonconforming use.
 - 5) Establish or operate a temporary use of land or building.

- B. Grading Permit. A permit issued by the Township to authorize initial earth and site preparation work to be performed in compliance with, and as required by, the Township SALDO.
- C. Building Permit. A permit indicating that a proposed construction, alteration, or reconstruction of a structure is in accordance with the provisions of the Township Building Code.
- D. Occupancy Certificate. A certificate issued upon completion of the construction of a structure or changes in use of a structure or a parcel of land that indicates that the entire premises comply with the provisions of this Ordinance, all Township regulations, all SALDO provisions, and the Township's Building Code.

Section 1105: Procedure for Obtaining Zoning Permit

- A. Application submission.
 - 1) Applications for a zoning approval permit shall be submitted to the Zoning Officer on the forms prescribed by the Township and with the information required by this Ordinance.
 - a) All fees shall be paid at the time of application.
 - b) No application shall be accepted for formal review until all required items have been submitted.
 - c) Upon submission the Zoning Officer shall check the contents of the application and notify the Applicant of any deficiencies within seven (7) days. This content evaluation shall not include a technical review.
- B. Application review/approval by Zoning Officer.
 - 1) The Zoning Officer shall approve or disapprove applications for Zoning Permits in accordance with the literal terms of this Ordinance and no permit shall be issued for any structure or use in violation of any provision of this Ordinance.
 - a) If the application requires conditional use approval from the Board of Supervisors or special exception approval from the Zoning Hearing Board, as outlined in Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses, said approvals shall be granted prior to issuance of a Zoning Permit by the Zoning Officer.
 - b) If the application involves a Subdivision or Land Development, as defined by the SALDO, the plan shall be reviewed and the final plans shall be approved in accordance with the procedures specified in the Township SALDO prior to issuance of a Zoning Permit by the Zoning Officer.
 - c) If the application involves a PRD, as defined in Article IX: Planned Residential Development, the plan shall be reviewed and the final plans shall be approved in accordance with the procedures specified in this Ordinance prior to issuance of a Zoning Permit by the Zoning Officer.
 - 2) Other governmental approvals. The Zoning Officer shall not issue any Zoning Permit until the Applicant submits copies of any approvals and/or permits required from the Township or other governmental agencies. Such approvals or permits may include, but are not limited to, any or all of the following:
 - a) Confirmation from the sewer and water authority for sewer and/or water service

- b) Permit from the DEP for an on-lot system
- c) PennDOT Highway Occupancy Permit
- d) Township Driveway Permit
- e) Pennsylvania Department of Environmental Protection permits
- f) Reviews and permits from the County Conservation District.
- g) Reviews by the County Planning Department.

Section 1106: Content of Application for Zoning Permit

- A. When applying for a Zoning Permit, the Applicant shall submit the following items to the Zoning Officer:
- 1) A completed Zoning Permit application form as prescribed by the Township.
 - 2) A scaled site plan which includes the following:
 - a) Name and address of the Applicant and landowner, if other than Applicant.
 - b) Address of the property and identification of zoning district in which it is located.
 - c) Subdivision name and lot number, if applicable.
 - d) Tax parcel identification number(s).
 - e) Scale of the drawing, north arrow, and a key to all symbols.
 - f) The location, dimensions, and height of all existing and proposed structures or uses, including fences, walls, screens, lighting fixtures, signs, and any other site improvements, and the type and location measured by distance in feet of existing structures and uses on all abutting properties.
 - g) Distances, in feet, between all existing and proposed structures or uses on the property and from all structures or uses to all property lines.
 - h) All existing and proposed easements and/or ROW, showing locations, widths, and purposes.
 - i) The location, number, size, and method of calculation of any required off-street parking spaces, if applicable.
 - j) All points of ingress and egress to and from the property (for example, driveways) along with proposed grades and sight distances.
 - k) Identification of any floodplain districts, areas of steep slopes, prior mining activity, landslide prone soils, fill areas, or airport impact zones which would be impacted by the proposed use.
 - 3) Approved stormwater management and erosion/sedimentation plans for the property if required by the Township's Stormwater Management Ordinance, if applicable.
 - 4) A landscaping plan showing required plantings, if applicable.
 - 5) Any other information required by the Zoning Officer in order to determine compliance with the provisions of this Ordinance.

Section 1107: Procedure for Obtaining a Grading Permit

A. Application submission.

- 1) Application for a Grading Permit shall be submitted to the Zoning Officer on forms prescribed by the Township and with the information required by the Township's SALDO. All fees shall be paid at the time of application.

Section 1108: Procedure for Obtaining a Building Permit

A. Application submission.

- 1) Application for a Building Permit shall be submitted to the Zoning Officer on forms prescribed by the Township and with the information required by the Township Building Code. Application for a Zoning Permit may be made concurrently with application for a Building Permit, but a Building Permit shall not be granted until all zoning approvals, including a Zoning Permit have been obtained. All fees shall be paid at the time of application.

Section 1109: Procedures for Obtaining an Occupancy Certificate

A. Application submission.

- 1) Applications for an Occupancy Certificate shall be submitted to the Zoning Officer at least twenty (20) days prior to the proposed occupancy or use of the structure or lot.
- 2) The application shall be on the form prescribed by the Township, signed by the Applicant and landowner, if other than the Applicant.
- 3) The Applicant shall submit evidence of the receipt of final approvals and/or permits required from the Township or other government agencies, including but not limited to any of the following as applicable:
 - a) Township Zoning Permit
 - b) Township Building Permit and approved final building inspection
 - c) PennDOT Highway Occupancy Permit
 - d) Township Driveway Permit
 - e) Approval of connections to public sewer and water systems
 - f) Final DEP Onlot Sewage Permit
 - g) DEP approval for any work authorized by permit
 - h) Township Engineer's approval of all public improvements, stormwater management installations, and any other inspections required for improvements shown on the Land Development plan
 - i) Any other required permits or approvals not specifically listed above.
- 4) Any other materials required by the Zoning Officer in order to determine compliance with the provisions of this Ordinance.
- 5) The Applicant shall pay the required fee for the Occupancy Certificate and any other outstanding fees.

B. Inspection by Zoning Officer.

- 1) Within twenty (20) days following the application for an Occupancy Certificate and notification of completion of the work, the Zoning Officer and/or designated representatives shall inspect the subject structure or use. If the structure or use complies with all applicable provisions of this Ordinance and all regulations of the Township and has been completed in accordance with approved plans and a complete application submittal has been made the Occupancy Certificate shall be issued.
- 2) In the event that the subject structure or use does not comply, the Zoning Officer shall provide the Applicant with a written list of the deficiencies and require corrective actions. The Zoning Officer shall re-inspect the subject property upon notification that the necessary work has been completed properly or the missing documentation has been received.

Section 1110: Temporary Occupancy Certificate

- A. A Temporary Occupancy Certificate may be issued by the Zoning Officer for no more than thirty (30) days for a part of a building or structure to be used on a temporary basis while work continues on the remainder.
- B. All conditions for temporary occupancy shall be stated on the certificate.

Section 1111: Revocation of Occupancy Certificate

- A. The Zoning Officer may revoke or suspend an Occupancy Certificate upon determining that a failure of compliance with any part of this Ordinance or any other applicable law or regulation exists.
- B. The revocation shall be in writing and in accordance with the requirements of this Ordinance, and shall reference the applicable ordinances and/or sections violated and shall be sent by certified mail to the last known address of the Applicant or landowner. Upon such revocation, any further use or occupancy of said land, structure, or building without an approved Occupancy Permit shall be considered a violation of this Ordinance and subject to all enforcement remedies listed below.

Section 1112: Liability Disclaimer

- A. The granting of a Zoning Permit or Occupancy Certificate shall not constitute a representation, guarantee, or warranty of any kind, by the Township or an official or employee thereof, of the structural integrity of a building or structure, the suitability or safety of subsurface soil conditions over which a building/structure is located, or the practicability or safety of any stormwater management structure or control technique or other environmental protection control. Nor shall it create any liability upon or cause of action against the Township or any official or employee thereof for any damage that may result from a structure or use for which a permit has been issued.
- B. Permits issued pursuant to this Ordinance attest only to the conformance of a structure or use to the zoning requirements contained herein.

Section 1113: Requests for Reasonable Accommodation

- A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act (ADA) shall submit an application for a special exception to the Zoning Hearing Board.
- B. A request for any other reasonable accommodation to this Ordinance should also be directed to the Zoning Hearing Board.
- C. The Zoning Hearing Board shall require the information outlined in Section 1106: Content of Application for Zoning Permit to be submitted with the application.
- D. The Zoning Hearing Board may hold any meeting(s) and/or hearing(s) necessary in its discretion to elicit information or argument pertinent to the request for accommodation.
- E. The Zoning Hearing Board's decision shall be in writing.
- F. The Zoning Hearing Board shall issue its written decision to the Applicant and the Board of Commissioners within thirty (30) days of filing of the request for accommodation or at the next regularly scheduled Zoning Hearing Board meeting, whichever is later.
- G. In considering a request for reasonable accommodation, the Zoning Hearing Board shall, with the advice of the appointed legal counsel, apply the following criteria:
 - 1) Whether the Applicant is handicapped or disabled within the meaning of the federal Fair Housing Amendments Act or the ADA.
 - 2) The degree to which the accommodation sought is related to the handicap or disability of the Applicant.
 - 3) A description of hardship, if any, that the Applicant will incur absent provisions of the reasonable accommodation requested.
 - 4) The extent to which the requested accommodation is necessary to afford the Applicant an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the structure in question.
 - 5) The extent to which the proposed accommodation may impact other landowners in the immediate vicinity.
 - 6) The extent to which the proposed accommodation may be consistent with or contrary to the community development objectives set forth in this Ordinance.
 - 7) The extent to which the requested accommodation would impose financial and administrative burdens upon Township.
 - 8) The extent to which the requested accommodation would impose an undue hardship upon Township.
 - 9) The extent to which the accommodation would require a fundamental alteration in the nature of the Township's regulatory policies, objectives, and regulations.
 - 10) The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or non-disabled persons.
 - 11) The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated, or discontinued when they are no longer needed to provide handicapped or disabled persons equal opportunity to use and enjoy the structure in question.

Section 1114: Enforcement Penalties

- A. The following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended that should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. 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 this Section.
- C. 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.
- D. The enforcement notice shall state at least the following:
 - 1) The name of the owner of record and any other person against whom the Township of intends to take action.
 - 2) The location of the property in violation.
 - 3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this 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 Township Zoning Hearing Board within thirty (30) days of the mailing date of the notice in accordance with procedures set forth in 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, and upon being found liable therefore in a civil enforcement proceeding, shall pay a fine of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Township, or alternatively sentenced to pay a fine or not more than the maximum permitted under Pennsylvania law as the same may be from time-to-time amended and in effect as of the date of conviction. In default of payment of imposed fines, the offender may be imprisoned for a term not to exceed ninety (90) days.

Section 1115: Causes of Action

- A. The following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. In case any building, structure, landscaping, sign, or land is or is proposed to be erected, constructed, reconstructed, altered, repaired, converted, maintained, or used in violation of this Ordinance, the Township Supervisors, or an officer of the Township with the approval of the Township Supervisors, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation may, in addition to other remedies, institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, sign, 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 Township, by certified mail, at least thirty (30) days prior to the time the action is to begin. No such action shall be maintained unless such notice has been given.

- C. Jurisdiction. Magisterial district judges shall have initial jurisdiction over proceedings brought under Section 1116: Enforcement Remedies; Violations and Penalties.

Section 1116: Enforcement Remedies; Violations and Penalties

- A. The following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. Any person, partnership, or corporation that has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a fine of not more than \$500.00, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, or alternatively, sentenced to pay a fine of not more than the maximum permitted under Pennsylvania law in effect as if the date of conviction as the same may be from time-to-time amended. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice in determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Ordinance shall be paid to the Township.
- C. The Court of Common Pleas of Butler County, upon petition, may grant an order or stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- D. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

Section 1117: Fees

- A. The Township Supervisors shall establish and revise by resolution, from time-to-time, a schedule of fees and a procedure for collection of those fees, for all applications submitted under the provisions of this Ordinance. The schedule of fees shall be available to the public from the Zoning Officer.

Section 1118: Amendments

- A. The following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.

- B. The regulations and provisions of this Ordinance may be amended from time-to-time, upon recommendation of the Planning Commission or the Township Supervisors, or by application of an effected party.
- C. Zoning amendments procedures shall adhere to the requirements of §609 of the MPC, 53 P.S. §10609.
- D. The Township Supervisors shall hold a public hearing on a proposed amendment pursuant to public notice, and pursuant to mailed notice to an owner of a tract or parcel of land located within a municipality or an owner of the mineral rights in a tract or parcel of land within the municipality who has made a timely request in accordance with §109 of the MPC before voting on enactment of an amendment. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
- E. If an amendment is proposed that involves a Zoning Map change:
 - 1) Notice of said public hearing shall be conspicuously posted by the Township at points, deemed sufficient by the Township, along the tract to notify potentially interested citizens. The affected tract or areas shall be posted at least one (1) week prior to the date of the hearing.
 - 2) Notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the municipality.
 - 3) The notice shall include the location, date, and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this Section. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
- F. In the case of an amendment other than that prepared by the Planning Commission, the Township Supervisors shall submit the amendment to the Planning Commission at least thirty (30) days prior to the hearing on the proposed amendment for recommendations.
- G. The recommendation of the County planning commission shall be made to the Township Supervisors within forty-five (45) days and the proposed action shall not be taken until such recommendation is made. If, however, the County fails to act within forty-five (45) days, the Township Supervisors shall proceed without its recommendation.
- H. The Township may provide public notice subject to the provisions of §108 of the MPC to provide an opportunity to challenge the validity of an Ordinance or decision and to establish a period of limitation for procedural challenges.

Section 1119: Zoning Officer

- A. The Zoning Officer(s) shall be appointed by the Township Supervisors pursuant to qualifications that may be established by the Supervisors. The Zoning Officer shall not hold any elective office within the Township.
- B. The Zoning Officer's duties and powers shall include the following:

- 1) Administer this Ordinance in accordance with its literal terms; receive and examine all applications required under the terms of this Ordinance; and issue or refuse permits within the provisions of this Ordinance.
- 2) Conduct inspections to determine compliance and receive complaints of violation of this Ordinance.
- 3) Keep records of applications, permits, certificates, written decisions, variances granted by the Zoning Hearing Board, and enforcement orders with all such records being the property of the Township and being available for public inspection.
- 4) Review proposed Subdivisions and Land Developments for compliance with this Ordinance.
- 5) Take enforcement actions as provided by the Pennsylvania MPC.
- 6) Maintain available records concerning nonconformities, provided that the Township is not required to document every nonconformity.
- 7) Serve such other functions as are provided in this Ordinance.

Article XII: Zoning Hearing Board

Note: Users should be aware that the following Sections are a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.

Section 1201: Membership

- A. Appointment. The membership of the Zoning Hearing Board shall consist of three (3) residents of the Township appointed by motion of the Township Supervisors. Their terms of office shall be three (3) years and shall be so fixed that the terms of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Township Supervisors of any vacancies that 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 elected or appointed office in the municipality nor shall any member be an employee of the municipality.
- B. The Township Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the board. The term of office of an alternate member shall be three (3) years. Alternates shall hold no other elective or appointive office in the Township, including service as a member of the Planning Commission or as a Zoning Officer, nor shall any alternate be an employee of the Township. Any alternate may participate in proceedings or discussions of the board but shall not be entitled to vote as a member of the board nor be compensated unless designated as a voting alternate member pursuant to the following process:
 - 1) The Chairperson of the Board may designate alternate members of the board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairperson of the Board shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum.
 - 2) Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final decision on the matter or case.
 - 3) Designation of an alternate shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- C. Vacancies. Appointments to fill vacancies on the Board shall be for the duration of the unexpired portion of the term only.
- D. Removal of members. Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Supervisors. No vote shall take place until such time as the member has received a fifteen (15) day 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.
- E. Compensation. Members of the board shall not receive compensation for the performance of their duties.

Section 1202: Organization

- A. Conduct of the 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 the members of the Board. The Board may appoint a hearing officer from its own membership to conduct the hearing on its behalf and the parties may waive further action by the Board and accept the decision or findings of the hearing officer as final, as provided in §908 of the MPC. 53 P.S. §10908
- B. Establishment of procedure. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and the laws of the Commonwealth. The Board shall maintain full public records of its business.

Section 1203: Expenditures; Fees

- A. Expenditures. Within the limits of funds appropriated by the Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
- B. Fees. An Applicant before the Zoning Hearing Board shall deposit with the Zoning Officer the appropriate filing fee. Fees shall be established by resolution of the Supervisors.

Section 1204: Powers and Functions

The Zoning Hearing Board shall function in strict accordance with and pursuant to the MPC and shall have the following powers:

- A. Appeals from the Zoning Officer. The Board shall hear and decide appeals where it is alleged that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid Zoning Ordinance or Zoning Map of the Township or any valid rule or regulation covering the duties of the Zoning Officer.
- B. Special exceptions. The Board shall hear and decide requests for special exceptions authorized by this Ordinance in accordance with the standards and criteria set forth in this Section and Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses. The Board may attach such reasonable conditions and safeguards as it may deem necessary.
- C. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance create unnecessary hardship on an Applicant when applied to a tract of land. In granting a variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary.
- D. Validity of the Zoning Ordinance. The Board shall hear and make findings on challenges to the validity of any provision of this Ordinance with respect to substantive questions.
- E. Jurisdiction in the matters as granted by §909.1 of the MPC. 53 P.S. §10909.1

Section 1205: Hearing Procedures

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

Filing appeals and requests to the Zoning Hearing Board - Requests for hearings before the Zoning Hearing Board shall be made as follows:

- A. Standing Deadline for Appeals and Fees. An appeal to the Zoning Hearing Board may be filed by the landowner affected, any officer or agency of the Township or any person aggrieved. Such appeal shall be taken within the time as stipulated by the MPC and the rules of the Board, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The appropriate fee, established by resolution of the Township, shall be paid in advance for each appeal or application. Requests for a variance and special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.
- B. Notice. Public notice shall be given pursuant to this Ordinance and written notice shall be given to the Applicant, Zoning Officer, 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 rules of the Board. 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.
- C. Timing. A hearing shall be held within sixty (60) days from the official application date requesting a hearing unless the Applicant has agreed to an extension of time. 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 when 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 Township 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.
- D. Parties to the Hearing. 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, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E. Powers of the Chairperson. The Chairperson, Acting Chairperson, or hearing officer presiding shall have the 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.
- F. Rights of the Parties. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond, to present evidence, and to argue and cross-examine adverse witnesses on all relevant issues.
- G. Exclusion of Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded by the Board.
- H. Record of the Proceedings. A stenographic record of the proceedings shall be made by a court reporter. The appearance fee for the court reporter shall be shared equally by the Applicant and the Board. Any party requesting the original transcript or a copy of the transcript shall bear the cost of the same. Copies of graphic or written material received in evidence shall be made available to any party at cost.
- I. Communications. Once a formal application has been duly filed, the Board shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate. Further, the Board shall not take notice of any communication unless the parties are afforded an

opportunity to contest the material and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

Section 1206: Decisions

- A. 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 any 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 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 challenges filed under §916.1 of the MPC 53 P.S. §10916.1 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 1105: Procedure for Obtaining Zoning Permit C., 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. 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.

- B. 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 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.

Section 1207: Standards for Review of Variance Requests

- A. Required Findings. The Zoning Hearing Board may grant a variance to the provisions of this Ordinance, provided that the findings prescribed in §910.2 of the MPC 53 P.S. § 10910.2. are made where relevant in a given case.
- B. Conditions. 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.

Section 1208: Standards for Review of Special Exception Requests

- A. The Zoning Hearing Board shall hear and decide all requests for special exceptions, as identified within this Section and Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses.

Section 1209: Appeals to Court

- A. The provisions for appeals to court that are stated in the Pennsylvania MPC, as amended, shall apply.