

# HARTLEY TOWNSHIP ZONING ORDINANCE



Adopted: February 5, 1996 Ordinance 96-1  
Effective: June 10, 1996  
Prepared By: The Hartley Township Planning Commission  
Consultant: The Union County Planning Commission  
Updated: June 2020 (last ordinance amendment April 2017)

# HARTLEY TOWNSHIP ZONING ORDINANCE

## Table Of Contents

### Table of Contents

	<u>Page</u>
<b><u>Article I – General Provisions</u></b>	
100 Short Title	1-1
101 Effective Date	1-1
102 Purpose	1-1
103 Community Development Objectives	1-1
104 Interpretation	1-1
105 Application of Regulations	1-1
106 Severability	1-2
107 Repeal	1-2
<b><u>Article II – Definitions</u></b>	
200 Applicable Definitions	2-1
<b><u>Article III – Establishment of Zoning Districts &amp; Map</u></b>	
300 Names of Zoning Districts	3-1
301 Zoning Map	3-2
302 Interpretation of Boundaries	3-2
<b><u>Article IV – District Regulations</u></b>	
400 General	4-1
401 Town District	4-1
402 Village District	4-4
403 Rural Residential District	4-6
404 Agricultural Preservation District	4-9
405 Woodland Preservation District	4-12
406 Public Land Preservation District	4-14
407 Business Development District	4-15
408 Commercial District	4-19
<b><u>Article V – Supplemental Regulations</u></b>	
500 Standards for the Provision of Single Family Detached Dwellings, Seasonal Residence, or Public & Quasi-Public Uses in the Agricultural District	5-1

501	Non-Conforming Lots, Structures, Buildings and Uses	5-2
502	Visibility at Intersections	5-3
503	Exceptions to Height Regulations	5-3
504	Projections into Yards	5-3
505	Unique Lots and Building Locations	5-4
506	Accessory Structures	5-4
507	Home Occupation	5-6
508	Off-Street Parking and Loading	5-6
509	Signs	5-9
510	Uses Fronting on Collector & Arterial Streets	5-12
511	Screening and Landscaping	5-12
512	Conversions of Buildings	5-13
513	Structures to Have Access	5-13
514	Water Supply & Sewage Facilities Required	5-13
515	Foundations	5-13
516	Dangerous Structures	5-15
517	Public Utilities Exempt	5-14
518	Parking & Storage of Certain Vehicles	5-14
519	Automobile Related Business	5-14
520	Concentrated Animal Operation Regulations	5-15
521	Wireless Telecommunication Facilities	5-16
522	No-Impact Home Based Business	5-18
523	Junkyards	5-18

#### **Article VI – Cluster Subdivision**

600	Statement of Purpose	6-1
601	Applications for Cluster Subdivision Development	6-1
602	Criteria for Granting Special Exception Approval for Cluster Subdivision	6-2
603	General Qualifications	6-3
604	Special Housing Qualifications	6-4
605	Garages and Accessory Buildings	6-4
606	Impervious Coverage	6-4
607	Maximum Building Height	6-4
608	Miscellaneous Regulations	6-4
609	Open Space Requirements	6-4

#### **Article VII Floodplain Management**

700	Intent	7-1
701	Identification of Floodplain Areas	7-2
702	General Technical Provisions	7-3
703	Technical Provisions for structures in floodplains	7-10
704	Special Provisions for Accessory Structures	7-11
705	Developments That May Endanger Human Life	7-11

706	Special Requirements for Campgrounds	7-15
707	Administration	7-16
708	Variances in Floodplain Districts	7-19
709	Special Exceptions in Floodplain Districts	7-20

**Article VIII – Administration and Enforcement**

800	Generally	8-1
801	General Procedure: Zoning Permit Required	8-1
802	Development Permits and Certificates	8-1
803	Powers and Duties of the Zoning Officer	8-2
804	Temporary Use Permits	8-3
805	Enforcement Notice	8-4
806	Duties & Powers of the Zoning Hearing Board	8-4
807	Variances	8-5
808	Special Exceptions	8-6
809	Appeals	8-6
810	Hearings	8-8
811	Conditional Uses	8-9
812	Amendments	8-10
813	Violations, Jurisdiction, & Enforcement Remedies	8-10
814	Filing Fees	8-11

**ARTICLE I**

**GENERAL PROVISIONS**

**100. SHORT TITLE**

This Ordinance shall be known and may be cited as the Hartley Township Zoning Ordinance.

**101. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon enactment.

**102. PURPOSE**

This Ordinance is designed, adopted, and enacted to:

- A. Provide the minimum conditions necessary to achieve the goals of the Comprehensive Plan for Hartley Township.
- B. Promote the public's health, safety, morals, and the general welfare; encourage the most appropriate use of land; conserve and stabilize the value of property; provide adequate open spaces for light and air; prevent undue concentration of population; and lessen congestion on streets and highways.

**103. COMMUNITY DEVELOPMENT OBJECTIVES**

The Community Development Objectives of this zoning ordinance shall be the **GOALS AND OBJECTIVES** of the **COMPREHENSIVE PLAN** for **HARTLEY TOWNSHIP, UNION COUNTY, PENNSYLVANIA** adopted June 14, 1993.

**104. INTERPRETATION**

The interpretation and application of the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with, abrogate, or annul other rules, regulations, or ordinances, pertaining to the use of buildings or premises, the height or bulk of a building and the requirements for larger open spaces.

**105. APPLICATION OF REGULATIONS**

Except as provided for elsewhere within the Zoning Ordinance:

- A. No building, structure, or land shall be used or occupied and no building or structure shall hereafter be located, erected, constructed, reconstructed,

moved, extended, enlarged, converted or structurally altered except in conformity with all regulations herein specified for the zoning district in which it is located.

- B. No part of a yard, or other space, or off-street parking or loading space required with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements established herein.
- D. When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board, with the recommendation from the Planning Commission, shall make the determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing their decision on the overall intent stipulated for the district by Article III.
- E. In case of "Mixed Occupancy" the regulations for each use shall apply to the portion of the building or land so used.

**106. SEVERABILITY**

The provisions of this Ordinance shall be sever-able, and if any of these provisions shall be held or declared illegal, invalid, or unconstitutional by any court or competent jurisdiction, the validity or the remaining provisions of this Ordinance shall not be affected. It is hereby declared as the legislative intention that this Ordinance would have been adopted had such unconstitutional provisions not been included herein.

**107. REPEAL**

All ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed. Any parts of the Zoning Ordinance inconsistent with the provisions of this Amendment are repealed

## ARTICLE II

### DEFINITIONS

#### **200. APPLICABLE DEFINITIONS**

Except where specified in the following definitions, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; and the word "occupied" or "used" shall include "arranged, designed, constructed, altered, converted, rented, leased, or intended to be used"; and the word "shall" is intended to be mandatory; the word "abut" shall include the words "directly across from".

Accessory Use or Structure: A use or structure subordinate to, and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building.

Adult Book Store: An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such materials.

Adult Cabaret: A club, restaurant, bar, tavern theater, hall or similar establishment which features male and/or female entertainers whose performance includes "specified sexual activities" and/or reveals or displays "specific anatomical areas".

Adult Use: Any establishment having a substantial or significant portion of its stock in trade or services providing any goods or services which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such materials or services. Such uses shall include adult bookstores, adult motion picture theaters, adult cabarets, adult videocassette and DVD rental and sales outlet, massage parlors, or other adult uses.

Agricultural Business: Any business related to the processing and sale of agricultural products/supplies or the sale and/or repair of agricultural equipment.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, beekeeping, forestry, horticulture, floriculture, vineyards, animal and poultry husbandry, hatcheries and the necessary accessory uses for farm homes, feedlots, manure handling facilities, animal barns, implement buildings, greenhouses, and

buildings for feed, grain, and equipment storage. For the purpose of this Ordinance, the word Agriculture shall not include "Kennels" nor "Agricultural Business".

Agri-Tourism: - An enterprise at a working farm, ranch or agricultural plant conducted for the enjoyment of visitors that generates income for the owner. Agri-Tourism refers to the act of visiting a working farm for any horticultural or agricultural operation for the purpose of enjoyment, education, entertainment, or active involvement in the activities of the farm or operation which adds to the economic viability of the site. Uses may include, but not be limited to, corn mazes, living history farms, winery tours and tasting, haunted hayrides, rodeos, and horseback riding.

Alley: A public or private way upon which no dwellings or stores front, affording secondary means of access to abutting property.

Animal Equivalent Unit: One thousand pounds live weight of livestock or poultry animals regardless of the actual number of individual animals comprising the unit. (Also see Table A of the PA Nutrient Management Regulations for standard animal weights)

Animal Hospital: A facility operated by a Doctor of Veterinary Medicine for the care and treatment of animals.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

Basement: A story having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A basement shall not be considered in determining the permissible number of stories.

Bed and Breakfast: Overnight accommodations and a morning meal in a dwelling unit provided to customers for compensation.

Board: The Board of Supervisors for Hartley Township, Union County, Pennsylvania.

Building: Any structure having a roof supported by columns or walls used for shelter, housing or enclosure of persons, animals or property.

Building Coverage: The portion of a lot, expressed as a percentage, which may be covered by the total ground floor area of all principal and accessory buildings on a lot including covered porches, carports and breezeways.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade along the wall of the building (or adjacent to the side of a non-building use), to the highest point of the roof or parapet for flat roofs.



Building – Principal: A building housing the main or principal use of the lot on which the building is situated.

Campground: A portion of land used for the purpose of providing a space or spaces for two or more tents or trailers for camping purposes regardless of whether or not a fee has been charged for the leasing, renting or occupancy of the space.

Certificate of Occupancy: A statement signed by the Zoning Officer setting forth that a building complies with the provisions of the Ordinance, or that a building structure, or parcel or land is lawfully employed for a specified use.

Central Water or Sewer: A water or sewer distribution system which serves facilities on a community, area wide or regional basis. The facility company must be approved by and (or) licensed by the appropriate State or Federal agencies.

Clear Sight Triangle: An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of street and/or driveway lines.

Cluster Subdivision: A large scale residential development of 10 acres or more, in which individual dwelling units or buildings are grouped together. Modification or reduction of the minimum yard and lot size requirements are permitted in exchange for an equivalent amount of land in open space to be preserved for scenic, recreation, or conservation purposes. The overall dwelling unit density of the underlying distance cannot be exceeded in this type of development.

Commercial Recreation: A profit or non-profit business in which amusement, play or other exercise is offered or sold. This use shall include the sale of products related to recreation. Commercial Recreation shall include but not be limited to theaters, campgrounds, farm vacation homes, and exercise centers.

Commercial Use: An activity involving the sale of goods or services carried out for profit.

Commission: The Planning Commission of Hartley Township, Union County, Pennsylvania.

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, not including streets, off-street parking areas, and areas set aside for public facilities.

Communications Facilities: Structures or equipment utilized for providing either wired or wireless communications, which shall include but are not limited to, communications by private or commercial entities or governmental agencies such as county, local, state or Federal and emergency services entities. Facilities may include command and control functions, training and education, and facilities for transmission and reception such as towers, antennae and required equipment.

Completely Dry Space : A space which will remain totally dry during flooding; the structure  
Is designed and constructed to prevent the passage of water and water vapor.

Concentrated Animal Feeding Operation (CAFO): A CAFO is a CAO with greater than 300 animal equivalent units (AEU), any agricultural operation with greater than 1000 AEU's, or any agricultural operation defined as a large CAFO under 40 CFR § Pa. Code § 92.1.

Concentrated Animal Operations (CAO): An animal operation with eight or more animal equivalent units (AEU) where the animal density exceeds two AEU's per acre of land suitable and available for manure application, 25 Pa. Code § 83-201.

Conditional Uses: A use which may not be appropriate in a particular zoning district as a whole but which may be suitable in certain locations within the district when specific conditions and factors prescribed within this Ordinance for such cases are met. "Conditional Uses" are allowed or denied by the Board of Supervisors after recommendation by the Planning Commission.

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

Cultivation of Crops: The use of land for raising of crops and excluding the keeping of animals.

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

Dwelling: “Dwelling means any building or portion thereof which is designed or used for residential purposes. The term dwelling shall not be deemed to include motel, rooming house, tourist home, hotel, hospital, or nursing home.

Dwelling Unit: “Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, Single Family Attached: See Townhouse.

Dwelling, Single Family Detached: “Single-family detached dwelling” means a dwelling designed for and occupied by not more than one family and having no roof, wall or floor in common with any other dwelling unit and having an additional lot with private yards on all four sides of the house.

Dwelling, Farm: A dwelling unit located on a farm and used for the residence of the proprietor of a farm or persons necessary for the operations of the farm, in same ownership as the farm on which the dwelling is constructed.

Dwelling, Manufactured:

Mobile Home: A single-family detached manufactured housing unit built on a chassis. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This term does not include recreation vehicles or travel trailers.

Modular Home: A structure intended for permanent occupancy as a dwelling unit, office or place of assembly consisting of prefabricated sections of components constructed according to nationally recognized building codes at another location and transported to the site for assembly, placement upon and attachment to a permanent foundation. The placement of such dwelling unit(s) on a site shall meet all the requirements herein addressed to a conventionally-built dwelling.

Dwelling, Two-Family: “Two-family dwelling” means two dwelling units, each of which is attached side to side, or one above the other, each one sharing only one common wall with the other. Each unit shall have individual access to the outside.

Dwelling, Multiple Family: “multiple family dwelling” means a building designed for or containing more than two dwelling units, sharing access from a common hall, stair or balcony.

Encroachment: A structure or activity which changes, expands or diminishes the course, current, or cross section of a watercourse, flood way or body of water.

Essential Services: Public utility facilities that do not require enclosure in a building, including gas, electrical, steam, telephone, or water distribution systems; and including related equipment such as poles, towers, wires, mains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

Essentially Dry Space – A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Family: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Fairgrounds: An area of land use including, but not limited to, Agricultural related office building, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters. Such as county fairs, exhibitions, and shows do not include racetracks or motorized contest of speed.

Family Day Care Home: A residence offering baby-sitting services and child care services to a maximum of six children unrelated to the resident household. A family day care home is permitted as a home occupation.

Feed Lot: A concentrated animal or poultry operation for meat, eggs, or milk production, or stabling in pens. Also includes housing where animals or poultry are fed in confinement.

Fill – Sand, gravel, earth or other material placed or deposited to form an embankment or raise the elevation of the land surface. The term includes material used to replace an area with aquatic life with dry land or to change the bottom elevation of a regulated water of the Commonwealth of Pennsylvania.

Flood – A temporary inundation of normally dry land areas.

Flood Fringe – The area includes all the remaining portions of the one hundred (100) year floodplain elevation outside of the floodway.

Floodplain: Those land areas subject to being flooded or having flood hazard conditions.

Floodplain Area – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any are subject to the usual and rapid accumulation of surface waters from any source.

Flood proofing – Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Flood way – The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the flood way shall be capable of accommodating a flood of the one hundred (100) year magnitude. The boundary of the flood way is as indicated on official flood maps and the Flood Insurance Study (FIS) expect that in areas where no flood maps or a FIS have defined the boundary of the 100-year frequency flood way, it is assumed, absent evidence to the contrary, that the flood way extends from the stream to fifty feet (50) from the top of the bank of the stream. The term shall also include flood way areas that have been identified in other available studies or sources of information for those floodplain areas where no flood way has been identified in the FIS.

Garage, Private Parking: A building or portion thereof used only for the storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of the storage facilities.

Garage, Public Parking: Structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles.

General Floodplain – Those areas identified as Zone A in the Flood Insurance Study for which no hundred (100) ear flood elevations have been provided.

Golf Course: A tract of land out with at least nine holes for playing a game of golf and improved tees, greens, fairways, and hazards. A golf course typically includes a clubhouse, maintenance facilities, and other miscellaneous accessory structures.

Governing Body: The Board of Township Supervisors, Township of Hartley, County of Union, and Commonwealth of Pennsylvania.

Habitable Floor Area: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, attics, storage or utility spaces, and similar areas are not considered habitable space.

Historic Structure – Any structure that is:

- (i) Listed individually in the National Register of Historic Places (a listing

maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (ii) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior;  
or
- (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of Interior; or
  - (2) Directly by the Secretary of Interior in states without approved programs.

Home Occupation: Any lawful, service-oriented occupation, profession or second occupation customarily conducted entirely within a dwelling or on a farm and carried on by the inhabitants thereof, which is clearly incidental, secondary, and consistent with the use of the premises for dwelling or agricultural purposes and does not change the character thereof. Home occupation is deemed to include: Barber, Hairdresser, Tailor, Professional Office of Attorney, Architect, Landscape Architect, Engineer, Accountant, Physician, Dentist, Teacher, Realtor, Insurance Agency, Minister, Municipal Officials, Family Day Care Home, Craft Shop, Repair Shop, and other uses of the same general character.

Hotel or Motel: A building or group of buildings, containing rooms designed, arranged, and used for overnight lodging of travelers and the business conduct of which licensed under applicable laws.

Identified Floodplain Area – The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Impervious Surface: That portion of a lot (expressed as a percentage) that does not absorb precipitation. All buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, etc. materials shall be considered impervious surfaces.

Institution: A public or quasi-public facility providing for extended care of inmates or residents.

International Building Code (IBC): This is a model construction code that applies to all buildings not specifically addressed by the IRC. It is a prescriptive code that provides minimum building standards for safety and performance, developed by a consensus process and updated every three years. Its development is managed by the International Code Council (ICC). The IBC is a model code that may be adopted all or in part by states, counties and municipalities.

International Residential Code (IRC): This is a model construction code that applies to one and two family dwellings and townhouses, excluding certain mobile and manufactured homes. It is a prescriptive code that provides minimum building standards for safety and performance, developed by a consensus process and updated every three years. Its development is managed by the International Code Council (ICC). The IRC is a model code that may be adopted all or in part by states, counties and municipalities.

Junk: Junk shall include both ferrous and nonferrous scrap metals and their alloys, and other manufactured goods that are so worn as to make them unusable in their existing conditions, but are subject to being dismantled or salvaged. Materials at a properly maintained recycling drop off site or center may not be considered junk.

Junk Yards: Any permitted junk yard consisting of buildings, structures, or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed disassembled or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

Kennels: A commercial operation in which dogs or cats at least four months of age are kept for the purpose of protecting the animals from injury, containing the animals, and restraining entrance of other animals.

Land Development:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (i) a group of two or more residential or nonresidential buildings, where proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure: or
  - (ii) the division or allocation of land or space whether initially or cumulatively, between or among two or more existing or prospective occupants by means of ,

or, for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision or land.

Except that the following shall be excluded from this definition:

- (i) The conversion of an existing single-family detached dwelling or double dwelling into not more than three residential units, unless such units are intended to be a condominium;
- (ii) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building: or
- (iii) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purpose of this sub-clause, 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 areas have been approved by proper authorities.

Lowest Floor: The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

Livestock: Generally accepted farm animals that are kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, riding and draft horses, mules, burros, swine, sheep llamas, and goats.

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

Lot Area - The computed area contained within the lot lines exclusive of any street right-of-ways.

Lot Corner - A lot abutting the intersection of two streets.

Lot-Depth - The mean horizontal distance between the front and rear lot lines.

Lot Lines - The property lines bounding the lot.



Lot Lines-Front - The lot line separating the lot from the street right-of-way line.

Lot Line-Rear - The lot line opposite and most distant from the front lot line.

Lot Line-Side - Any lot line other than a front or rear lot line.

Lot Width - The width of the lot between side lot lines at the front building lines as prescribed by the front yard regulations.

Major Commercial Recreation: Activity operated as a business, open to the public, for recreation activities for participants or spectators, regardless of whether entrance fees are charged or not, is expected to meet or exceed 200 vehicle trips per day per event. Major commercial recreation activities include, but are not limited to, athletic events; musical concerts and entertainment; shows or events, such as flea markets, auto or vehicular shows, rallies or races, excluding, however, adult uses as defined in this Ordinance.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured Home Park: A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

Minerals: The term minerals includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources.

Minor Commercial Recreation: Uses include any of the Major Commercial Recreation Uses which generate less than 200 vehicle trips per day event.

Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

Mixed Occupancy: The use of a lot for more than one principal use.

Mobile Home: See definition under “Dwelling”.

Mobile Home Park: See definition under Manufactured Home Park.

Municipalities Planning Code (MPC): A Pennsylvania code, enacted in 1969, that allows certain cities, boroughs, incorporated towns, to plan their development and to govern the same by zoning, subdivision and land development ordinances, planned residential development and other ordinances, by official maps, by the reservation of certain land for future public purpose and by the acquisition of such land.

Municipality: Shall mean the municipal corporation known as the Township of Hartley, Union County, Pennsylvania.

Neighborhood Retail: A commercial use which is limited in scale, primarily serving a local neighborhood.

New Construction: Structures for which the start of construction commenced on or after *June 10, 1996* and includes any subsequent improvements thereto.

No Impact Home-Based Business: A business of commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the requirements of § 522.

Noncommercial Keeping of Animals: An activity involving the keeping of animals on a property, including but not limited to small animals and livestock, for personal and hobby use that does not involve ongoing production for the purpose of sales, trade or transfer regardless of whether a profit is made or not.

Non-Conforming Lot: A lot, the area or dimension of which, was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Non-Conforming Structure: A sign or structure, the design or size of which does not conform to the regulations of this Chapter for the district in which it is located.

Non-Conforming Use: A building, structure, or premises legally existing and/or used at the time of adoption of this Chapter, or any amendment thereto, which does not

conform with the use regulations of the district in which located which can be used in its present form and use by the current owner and which can be sold or leased or otherwise utilized by a subsequent owner for the same non-conforming use.

Office: The place where the affairs of a business are carried out. However, the manufacture or assembly of products or merchandise shall not be included as activities of an office. For purposes of this Ordinance, an office shall include professional offices.

Office Park: A Land Development which consists of two or more office buildings.

One Hundred (100) year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

Parking Area – Private: An open area for the same use as “private garage”.

Parking Area – Public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

Permit: A document issued by the Municipality, authorizing an applicant to undertake certain activities.

Zoning Permit: A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with the construction or development of the use, building or structure.

Occupancy Permit: A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises complies with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.

Permitted Use: Any use which does not require special action by the Zoning Hearing Board or by the Board of Supervisors before a zoning permit is granted by the Zoning Officer.

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

Personal Service – A place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature such as beauty & barber shops, salons, tailor shops, shoe repair and others of similar nature.

Planning Commission: The Planning Commission of Hartley Township, Union County, Pennsylvania.

Principal Structure: See Building – Principal.

Professional Office: Professional offices shall include the office of a physician, dentist, optometrist, minister, architect, landscape architect, city planner, engineer, insurance agent, realtor, accountant, lawyer, author, or other similar professional occupations.

Public: People or community at large or a specific part of the people.

Public Hearing: A formal meeting held pursuant to public notice by the governing body of planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

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

Public Notice: Notice published once each week for two 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 30 days and the second publications shall not be less than seven days from the date of the hearing.

Public of Quasi-Public Uses: Uses or structures designed, intended or arranged for the use of service of the general public, although the fees and conditions of such use may be determined and regulated by the operator thereof. These uses include banks, post offices, churches, cemeteries, schools, community centers, fire halls, municipal buildings, community sewer and water treatment facilities, publicly owned parks and other uses of the same general character.

Recreation: Public or private uses and activities, including but not limited to: marinas, day camps, picnic grounds, boat launching and swimming areas, hiking, bike and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges, and hunting and fishing areas.

Recreational Vehicle: A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park: A portion of land used for the purposes of providing a space or spaces for two or more recreational vehicles for the purposes of camping regardless

of whether or not a fee has been charged for the leasing, renting, or occupancy of space.

Recycling: The process by which waste products are reduced to raw materials and transformed into new and often different products.

Recycling Center: A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

Regulatory Flood Elevation: The one hundred (100) year flood elevation plus a free board safe factor of one and one-half (1 ½) feet.

Repetitive Loss : Flood related damages sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Resort: A building or group of buildings located on a lot, arranged and used for lodging of members and guests, including facilities for service of food to lodgers and/or non-lodgers, and may include retail sale of commodities and services, and facilities for educational activities and recreation for lodgers and/or non-lodgers.

Right-of-Way: See Street Right-of-way.

Religious Houses of Worship: A building used for non-profit activities wherein persons regularly assemble for religious purposes, public worship by a congregation, and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a bona fide religious body organized to sustain religious ceremonies and purposes. This includes churches, chapels, cathedrals, temples, synagogues, mosques, and other such places for religious worship. This definition however excludes schools, daycare facilities and other principal uses owned and operated by a religious body.

Seasonal Dwelling: A dwelling unit not used as a principal residence that may be occupied on weekends and for brief periods during the year for recreational and leisure purposes such as hunting or fishing camp or a summer home.

Shopping Center: One or more buildings or parts thereof designed as a unit to be occupied by two or more business enterprises for the conduct of retail and service businesses as an integral planned area development.

Sign: Any exterior name, identification, description, display, or illustration exposed to public view that directs attention to an object, product, place, activity, person,

institution, organization or business. A projecting or free-standing sign with two faces shall be considered as a single sign. All material and information contained within a single frame support shall be considered as one sign.

Sign, Advertising: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered upon the premises where such sign is located, or to which it is affixed.

Sign, Business: A sign which directs attention to a business of profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

Sign, Directional: A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians by providing name and distance information and shall contain no other commercial advertisement.

Sign, Directory: A freestanding or wall mounted sign, other than an identification sign, that is centrally located and lists the names of tenants or occupants of a building or group of buildings and may indicate their respective professions or business activities.

Sign, Freestanding: Any non-movable sign not affixed to a building.

Sign, Gross Surface Area: The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

Sign, Portable: Any sign or structure which is not securely attached to the ground or any other structure.

Sign, Projecting: A sign that is attached to the wall of a building or structure and projects outward away from the wall more than fifteen (15) inches.

Sign, Wall Mounted: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and does not project more than fifteen (15) inches from such building or structure.

Small Animals: Any small animal weighing less than twenty (20) pounds including but not limited to pigeons, chickens, quail, fowl of all types, rabbits, ferrets, guinea pigs, etc.

Small Warehouse: A building used as a warehouse where goods or materials are stored, handled and distributed, and where the building does not exceed 50,000 square feet in size.

**Special Exception Use:** A use that by its unique characteristics requires individual consideration by the Zoning Hearing Board before a zoning permit may be decided upon.

**Special Permit** – A special approval which is required for hospitals, nursing homes, jails and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

**Specified Anatomical Areas:** For the purposes of this Ordinance, such areas shall include less than completely and opaquely covered: human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:** For the purposes of this Ordinance, such activities shall include sexual stimulation or arousal of human genitals, acts of human masturbation, oral sex, sexual intercourse or sodomy, and/or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

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

**Story – First:** The lowest story or the ground story of a building, the floor which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

**Story – Half:** A partial story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

**Stream:** A watercourse (see watercourse definition).

**Street:** A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except alley.

**Collector Road:** A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route to arterial streets. Collector streets are so designated in the Hartley Township Comprehensive Plan.

**Local Street:** A street designed to afford primary access to abutting property.

Street Right-of-way Line: The closest edge of the right-of way as required by the applicable subdivision ordinance. (See also Lot lines-front).

Structure: Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

Subdivision: Pennsylvania MPC Article V Definition

Substantial Additions to Mobile Home Parks – Any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.

Substantial Damage: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) or more of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start or construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not however include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
- (2) Any alteration or a “historic structure,” provided that the alteration would not preclude the structure’s continued designation as a “historic structure”

Surface Mining: Surface mining shall mean the extraction of minerals from the earth or from waste or stock piles or from pits or banks by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift, and auger mining, dredging,



quarrying, leaching and activities related thereto, but not including those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings. "Surface mining" shall not include (i) the extraction of minerals (other than anthracite and bituminous coal) by a landowner for his own non-commercial use from land owned or leased by him; nor (ii) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the areas affected in accord with DER requirements.

Townhouse: A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one or more un-pierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.

Tent: A collapsible shelter of canvas or other portable material used, when erected, from the temporary occupancy of one or more persons.

Tourist Home: A dwelling in which overnight accommodations are provided or offered to transient guests for compensation.

Tract Size: The area of the entire development lot including all buildings, individual unit lots, open space, and required yards.

Travel Trailer: a vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and/or vacation, having a width of less than ten feet, but not to be construed as a mobile home for permanent residence.

Uniform Construction Code (UCC): The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to Residential and Commercial buildings, the Code adopted the International Residential Code and International Building Code of 2003 by reference as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and IBC.

Variance: The departure to a minor degree from the text of the Ordinance in direct regard to a hardship peculiar to an individual lot authorized by the Zoning Hearing Board in accordance with the procedures set forth in this Ordinance.

Waste: A material whose original purpose has been completed and which is directed to a disposal or processing facility or as otherwise disposed, as defined in the Solid Waste

Management Act, of 1980, P.L. 380, No. 97; and Municipal Waste Planning, Recycling and Waste Reduction Act, of 1988, P.L. 556, No. 101.

Waste Disposal: The discharge, deposit, injection, dumping, spilling, leaking, incineration or placing of any waste into or on the land or water so that such waste or any constituent or residue thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Waste Processing: Any method, technique or process, including neutralization, incineration, stabilization or solidification, designed to change the physical, chemical or biological character or composition of any waste (s).

Waste Storage: The actual or intended containment of waste on a temporary basis for a period not to exceed five (5) calendar days, in a manner which does not constitute disposal or treatment.

Waste Storage or Processing Facility: A municipal or municipal authority owned and operated facility where land, structures, and other appurtenances are utilized for the disposal or processing of municipal, residual, or hazardous waste.

Waste Treatment: A method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize the hazardous substance or to render the hazardous substance non-hazardous, safer for transport, suitable for recovery, storage or reduced in volume. The term includes activity or processing designed to change the physical form or chemical composition of a hazardous substance so as to render it neutral or non-hazardous.

Watercourse: A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Wind Turbine, Personal Use: A wind powered energy conversion system that produces electricity through a turbine and is used to supply electrical power to an individual residence or business; is not designed or intended to commercially generate wind power; and is rated to generate 100 kw or less.

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

Wireless Telecommunications Tower: A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

Yard: An open space required by this Ordinance, on the same lot with a building or a group of buildings, and which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.

Yard – Front: An open space extending the full width of the lot between a building and the front lot (street right-of-way) line unoccupied and unobstructed from the ground upward except as specified elsewhere in the Ordinance.

Yard – Rear: An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

Yard – Side: An open space extending from the front yard to the rear yard between a building and the nearest lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

Zoning Hearing Board: The Zoning Hearing Board for Hartley Township, Union County, Pennsylvania.

Zoning Officer: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

**ARTICLE III****ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP****300. NAMES OF ZONING DISTRICTS**

Hartley Township is hereby divided into the following Zoning Districts:

Town (T) – The purpose of this district is to provide an area for medium density residential development in conjunction with a public sewage system. Since public sewer will service this district, development can allow higher density such as cluster housing and planned residential development (PRD). Certain residential-related and neighborhood commercial uses would also be permitted uses in this district.

Village (V) – The purpose of this district is to preserve the rural community character of the existing villages in the Township by providing for a medium density area with basic services and neighborhood commercial uses integrated within the community. Residential, specified commercial, service facilities, and appropriate public uses for which public water and sewer is not needed, would be permitted in this district.

Rural-Residential (R-R) – The purpose of this district is to provide for areas solely for residential and seasonal development. Development of this district will be on a low-density basis and will require a reasonably large lot size to uphold the rural character of the Township and to protect water supply and sewage disposal systems. Commercial uses would be considered as conditional uses provided they have adequate public utilities.

Agricultural Preservation (A-P) – The purpose of this district is to preserve and protect agricultural usage and related activities. Agriculture and related uses would be permitted uses in this district.

Woodland Preservation (W-P) – The purpose of this district is to permit limited single-family residential development on a very low density basis. The Woodland Preservation District has been designated where one of more environmental constraints exists and the land is still primarily wooded. It has been established to protect the existing forest and the rural atmosphere for the Township in the present and future. However, limited development (primarily residential, recreational, seasonal and limited agricultural) would be permitted in this district. This district is critical in conserving the natural environment since steep slopes, wetlands, and poor soils are dominate features.

Public Land Preservation (PL-P) – The purpose of this district is to restrict the development of publicly owned lands in order to encourage the preservation of these areas. For example, this district would be restricted to recreational and seasonal uses, state game lands, and similar public uses.

Resort (R) – The purpose of this district is to provide an area for development of resorts and associated uses such as facilities for lodging of members or guests, food service facilities for lodgers and non-lodgers, retail sales of commodities and services and facilities and areas for educational activities and recreation for lodger and non-lodgers.

Commercial (C) – The purpose of this district is to provide a location for commercial activities for which convenient vehicular access is needed, including retail, wholesale, restaurant, office, customer service, and recreational uses. Truck and heavy equipment oriented sales, service, and repairs are not deemed appropriate for this district.

### **301. ZONING MAP**

The location and boundaries of these Zoning Districts are established as shown on the Zoning Map of the Township. Regardless of the existence of sample copies of the Zoning Map that may from time to time be made, the Official Zoning Map shall be the map on file in the office of the Municipality.

### **302. INTERPRETATION OF BOUNDARIES**

If uncertainty exists as to the boundary of any District shown on the Official Zoning Map, the Zoning Hearing Board shall determine the location of such boundary. The Zoning Hearing Board may request a recommendation from the Planning Commission prior to the making such decision.

**ARTICLE IV**

**DISTRICT REGULATIONS**

**400. GENERAL**

The regulations governing the use of lands, size of lots, yards and buildings within each zoning district identified in Article III are established in this Article. For certain uses or exceptional situations, these regulations are supplemented by Article V and VI and by other provisions of this Ordinance.

No uses shall be permitted in any district if they are to be operated in such manner as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosion, radioactivity or other hazard, noise, vibration, odor, smoke, dust or other forms of pollution, glare, electrical and other disturbances which adversely affect surrounding areas or premises.

**401. TOWN DISTRICT**

**A. Use Regulations**

1. Permitted Uses
  - a. Single Family Detached Dwellings;
  - b. Two Family Dwellings;
  - c. Home Occupations, see § 507;
  - d. Mobile Homes;
  - e. Accessory Uses, see § 506;
  - f. Professional Offices;
  - g. Neighborhood Retail;
  - h. Accessory Apartment Units;
  - i. Public & Quasi-Public Uses.
  - j. Cultivation of crops
  
2. Special Exception Uses
  - a. Cluster Subdivisions, see Article six;
  - b. Mobile Home Parks;
  - c. Multi-family Dwellings;
  - d. Townhouses.
  
3. Conditional Uses
  - a. Bed & Breakfast;
  - b. Fairgrounds

**B. Density and Height Requirements**

- 1. Maximum Building Coverage: 40%
- 2. Maximum Impervious Coverage: 50%
- 3. Maximum Building Height: 35 ft.

**C. Areas and Dimensions**

- 1. Single Family and Two Family Dwellings
  - a. Minimum Lot Area: 10,000 sq. ft.
  - b. Minimum Lot Width: 80 ft.
  - c. Minimum Yard Dimensions:
    - Front: 20 ft.
    - Side: 10 ft.
    - Rear: 20 ft. (principal structure)  
10 ft. (accessory structure)
  
- 2. Professional Office, Neighborhood Retail, and Public, Quasi-Public Uses
  - a. Minimum Lot Area: 1 Acre
  - b. Minimum Lot Width: 150 ft.
  - c. Minimum Yard Dimensions:
    - Front: 20 ft.
    - Side: 20 ft.
    - Rear: 20 ft.
  
- 3. Multifamily Dwellings
  - a. Minimum Lot Area: 1 acre
  - b. Minimum Lot Width: 100 ft.
  - c. Minimum Yard Dimensions:
    - Front: 30ft.
    - Side: 20 ft.
    - Rear: 30ft.
  - d. Minimum Building Separation: 30 ft.
  
- 4. Mobile Home Park
  - a. Minimum Park Area: 5 acres
  - b. Minimum Lot Width: 250 ft.
  - c. Minimum Yards for Site Perimeter:
    - Front: 80 ft.
    - Side: 40 ft.
    - Rear: 40 ft.

- 5. Mobile Home Park – Individual Lots
  - a. Minimum Lot Area: 5,000 sq. ft.
  - b. Minimum Lot Width: 50 ft.
  - c. Minimum Yard Dimensions:
    - Front: 20 ft.
    - Side: 10 ft.
    - Rear: 10 ft.

- 6. Townhouses
  - a. Minimum Lot Area and Width

Bedrooms	Minimum Lot Area Per Unit	Minimum Lot Width
1	1600 sq. ft.	18 ft.
2	1800 sq. ft.	20 ft.
3	2000 sq. ft.	22 ft.
4	2200 sq. ft.	24 ft.
5	2400 sq. ft.	26 ft.

- b. Minimum tract size for a development: 3 acres
- c. Minimum Yard Dimensions:
  - Front: 20 ft.
  - Side: zero (between units)  
40 ft. (between buildings)
  - Rear: 30 ft.

- 7. Bed and Breakfasts (existing structure)
  - a. Minimum Lot Area: 10,000 sq. ft.
  - b. Minimum Lot Width: 80 ft.
  - c. Minimum Yard Dimensions:
    - Front: 20 ft.
    - Side: 10 ft.
    - Rear: 20 ft. (Principal Structure)  
10 ft. (Accessory Structure)

**D. Special Exception Criteria**

- 1. All uses
  - a. Central sewer and water facilities shall be provided by the developer and maintained by the developer and or homeowners association, or other similar entity.
  - b. Adequate, safe, and convenient facilities for pedestrian and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks,



and landscaped areas to serve the development shall be provided. See Article V for pertinent standards.

- c. Storm water management shall be required and shall be designed to create no increase in the rate of runoff of storm water by providing controlled release and recharge area; drainage facilities shall not conflict with pedestrians and motor vehicles.
- d. Permanent landscaping and screening shall be required in accord with § 511 where necessary to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences.
- e. Lighting facilities shall be designed to avoid glare and to direct illumination away from adjacent properties and roadways.
- f. Commercial Land Developments and Mobile Home Parks shall be esigned as a unit for development in their entirety under single ownership and control.
- g. All lots and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.

E. Conditional Use Criteria

- 1. Conditional uses provisions of subsequent Article VIII Administration and Enforcement, Section 811 Conditional Uses are incorporated herein by reference and shall be applicable to all conditional uses in the Town District.

**402. VILLAGE DISTRICT**

A. Use Regulations

- 1. Permitted Uses
  - a. Single Family Detached Dwelling;
  - b. Home Occupations, See § 507
  - c. Cultivation of Crops;
  - d. Professional Office;
  - e. Neighborhood Retail;
  - f. Mobile Homes;
  - g. Public & Quasi-Public Uses;
  - h. Accessory Uses, See § 506.
- 2. Special Exception Uses
  - a. Two Family Dwellings;
  - a. Multifamily Dwellings;

- 3. Conditional Uses
  - a. Bed & Breakfasts

B. Density and Height Requirements

- 1. Maximum Building Coverage: 30%
- 2. Maximum Impervious Surface: 50%
- 3. Maximum Building Height: 35 ft.

C. Areas and Dimensions

- 1. All Permitted Uses
  - a. Minimum Lot Area 1 Acre
  - b. Minimum Lot Width: 150 ft.
  - b. Minimum Yard Dimensions:
    - Front: 20 ft.
    - Side: 10 ft.
    - Rear: 20 ft. (Principal Structure)
    - 10 ft. (Accessory Structure)
- 2. Two Family Dwellings
  - a. Minimum Lot Area: 2 Acres
  - b. Minimum Lot Width: 200 ft.
  - c. Minimum Yard Dimensions:
    - Front: 20 ft.
    - Side: 10 ft.
    - Rear: 20 ft. (Principal Structure)
    - 10 ft. (Accessory Structure)
- 3. Multifamily Dwellings
  - a. Minimum Lot Area: 3 Acres
  - b. Minimum Lot Width: 300 ft.
  - c. Minimum Yard Dimensions:
    - Front: 20 ft.
    - Side: 20 ft.
    - Rear: 30 ft.
  - d. Minimum Building Separation 30 ft.
- 4. Bed and Breakfasts (existing structure)
  - a. Minimum Lot Area: 10,000 sq. ft.
  - b. Minimum Lot Width: 80 ft.
  - c. Minimum Yard Dimensions:
    - Front: 20 ft.
    - Side: 10 ft.

Rear: 20 ft. (Principal Structure)  
10 ft. (Accessory Structure)

D. Special Exception Criteria

1. A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, sidewalks, buildings and other physical features existing and proposed.
2. The use of the structure or lot shall not adversely alter the character of any residential neighborhood.
3. The use or adaptation of a structure or lot shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening or other requirements set forth by this Ordinance or the Zoning Hearing Board.
4. Any use meeting the definition of a land development shall be designed and constructed in accord with the Municipal Subdivision and Land Development Ordinance.
5. Residential uses shall be designed as a unit for development in their entirety under single or condominium ownership and control.
6. All lots and buildings shall have access by way of an internal street system and have convenient emergency vehicle and equipment access.
7. Central sewer and water facilities shall be provided by the developer and maintained by the developer and or homeowners association, or other similar entity.
8. Permanent landscaping and screening in accord with § 511 shall be required where necessary to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise or other objectionable influences.
9. Storm water management shall be required and shall be designed to create no increase in the rate of run-off of storm water by providing controlled release and recharge areas.
10. Adequate, safe, and convenient facilities for pedestrians and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks, and landscaping area to serve the development shall be provided. See Article V for pertinent standards.

**403. RURAL RESIDENTIAL DISTRICT**

**A. Use Regulations**

- 1. Permitted Uses
  - a. Single Family Detached Dwelling;
  - b. Home Occupation, See § 507;
  - c. Mobile Homes;
  - d. Cultivation of Crops;
  - e. Seasonal Uses;
  - f. Two Family Dwellings;
  - g. Accessory Uses, See § 506;
  - h. Townhouses.
  - i. No-Impact Home-Based Business
  
- 2. Special Exception Uses
  - a. Cluster Subdivision, with public sewer
  - b. Professional Office;
  - c. Public or Quasi-Public Uses.
  
- 3. Conditional Uses
  - a. Neighborhood Retail;
  - b. Bed & Breakfasts;
  - c. Recreation;

**B. Density and Height Requirements**

- 1. Maximum Building Coverage: 40%
- 2. Maximum Impervious Surface: 50%
- 3. Maximum Building Height: 35 ft.

**C. Areas and Dimensions**

- 1. All permitted Uses except Townhouses
  - a. Minimum Lot Area:
    - (without public sewer) 2 Acres
    - (with public sewer) 1 Acre
  - b. Minimum Lot Width: 200 ft.
  - c. Minimum Yard Dimensions
    - Front: 20 ft.
    - Side: 10 ft.

Rear: 20 ft. (Principal Structure)  
10 ft. (Accessory Structure)

2. Townhouses

a. Minimum Lot Area and Width

Bedrooms	Minimum Lot Area Per Unit	Minimum Lot Width
1	1600 sq. ft.	18 ft.
2	1800 sq. ft.	20 ft.
3	2000 sq. ft.	22 ft.
4	2200 sq. ft.	24 ft.
5	2400 sq. ft.	26 ft.

b. Minimum tract size for a development: 3 acres

c. Minimum Yard Dimensions:

Front: 20 ft.  
Side: zero (between units)  
40 ft. (between buildings)  
Rear: 30 ft.

3. Professional Office, Public or Quasi Public Uses.

a. Minimum Lot Area:

(without public sewer) 2 Acres  
(with public sewer) 1 Acre

b. Minimum Lot Width 200 ft.

c. Minimum Yard Dimensions

Front: 20 ft.  
Side: 10 ft.  
Rear: 20 ft. (Principal Structure)  
10 ft. (Accessory Structure)

4. Neighborhood Retail

a. Minimum Lot Area: 1 Acre

b. Minimum Lot Width: 150 ft.

c. Minimum Yard Dimensions:

Front: 20 ft.  
Side: 10 ft.  
Rear: 20 ft. (principal structure)  
10 ft. (accessory structure)

5. Bed and Breakfasts (existing structure)

a. Minimum Lot Area: 10,000 sq. ft.

- b. Minimum Lot Width: 80 ft.
- c. Minimum Yard Dimensions:
  - Front: 20 ft
  - Side: 10 ft.
  - Rear: 20 ft. (principal structure)
  - 10 ft. (accessory structure)

D. All Special Exception Uses

- 1. A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, drive- ways, sidewalks, buildings and other physical features, existing and proposed. Appropriate standards are found in Article V.
- 2. The use of the structure or lot shall not adversely alter the residential character of the neighborhood. The maximum gross floor area for a professional office shall not exceed 3000 sq. ft.
- 3. The use or adaptation of a structure or lot shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening, or other requirements set forth by this Ordinance or the Zoning Hearing Board.

**404. AGRICULTURAL PRESERVATION DISTRICT**

A. Use Regulations

- 1. Permitted Uses
  - a. Agriculture, including the Cultivation of Crops;
  - b. Agricultural Business;
  - c. Home Occupation, See § 507;
  - d. Accessory Uses, See § 506
  - e. Seasonal Residence &
  - f. Single Family Detached Dwelling in accord with Standards, See § 500;
  - g. No-Impact Home-Based Business
- 2. Special Exception Uses
  - a. Animal Hospital
  - b. Kennels;
  - c. Public or Quasi-Public Uses;
  - d. Mining/Mineral Extraction;
- 3. Conditional Uses
  - a. Concentrated Animal Feeding Operations, See § 520
  - b. Concentrated Animal Operations, See § 520

- c. Recreation
- d. Agri-Tourism

B. Height and Coverage Requirements

- 1. Maximum Building Coverage: 20%
- 2. Maximum Impervious Coverage: 40%
- 3. Maximum Building Height: 35 ft. (See § 503)

C. Areas and Dimensions

1. Single Family Detached Dwelling, Seasonal Residence.

a. Density: Sliding Scale (see below)

Size of Parcel	Density of Dwellings
1 – 5 acres	1 unit
6 – 15 acres	2 units
16 – 30 acres	3 units
31 – 50 acres	4 units
over 50 acres	5 units plus 1 unit for each additional 20 acres

b. Minimum Lot Size: 1 acre

c. Maximum Lot Size: 2 acres

d. Minimum Lot Width: 100 ft.

e. Minimum Yard Dimensions:

Front:	25 ft.
Side:	10 ft.
Rear:	20 ft. (principal structure)
	10 ft. (accessory structure)

2. Agricultural Business, Animal Hospital, Kennels and Public and Quasi-Public Uses.

a. Minimum Lot Size 2 acres

b. Minimum Lot Width 200 ft.

c. Minimum Yard Dimensions:

Front:	50 ft.
Side:	40 ft.
Rear:	40 ft.

3. Agriculture Use.

a. Minimum Lot Size: 10 acres

b. Minimum Lot Width: 200 ft.

c. Minimum Yards for Structures:

Front:	25 ft.
Side:	10 ft.

Rear: 20 ft.

- d. Minimum Yard requirement abutting the Town, Village, or Rural Residential Zoning District: 100 ft.

4. Mining/Mineral Extraction

- a. Minimum Lot Area: 10 acres  
b. Minimum Yard Setbacks: 100 ft.  
300 ft. (abutting an existing residential use)

D. Special Exception Criteria

1. Recreation Campground and Public and Quasi-Public Uses

- a. Permanent landscaping and screening shall be required in accord with § 511 where necessary to shield adjacent residential use from parking lots, illumination and headlights, noise and other objectionable influences.  
b. The development shall be designed and constructed in accord with the applicable Subdivision and Land Development Ordinance.  
c. All sites, lots, facilities and buildings shall have access by way of an Internal street system and shall have convenient emergency vehicle and equipment access.  
d. Central sewage and water facilities in accord with D.E.P. Regulations shall be provided by the developer for all Recreation and Campground Uses.  
e. Storm water management shall be required and shall be designed to create no increase in the storm water runoff rate by providing controlled release and recharge areas; drainage facilities shall enhance the overall development and not conflict with pedestrians and motor vehicles.  
f. Adequate, safe, and convenient facilities for pedestrians and motor vehicles, including roadways, driveways, paths, trails, off-street parking and loading and landscaped areas to serve the development shall be provided. See Article V for pertinent standards.

2. Animal Hospitals and Kennels, including treatment, breeding, boarding and grooming facilities, conditioned upon, but not limited to, the following criteria:

- a. Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.  
b. Demonstration that all animals will be confined to the property.  
c. Demonstration of adequate methods for sanitation and sewage disposal.  
d. Outdoor runs shall be located at least 200 feet from any dwelling not located on the premises and at least 100 feet from any lot line.  
e. Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences.



- f. A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, sidewalks, buildings, runs, and other physical features, existing and proposed.
3. Special Exception Criteria for Mining and Mineral Extraction Facility. (in addition to special exception criteria, D. 1.a-f)
    - a. The applicant shall obtain any and all required licenses and permits from the Pennsylvania Department of Environmental Resources, Environmental Protection Agency, or any other applicable County, State or Federal Agency, including the Susquehanna River Basin Commission, if applicable prior to the Zoning Hearing Board granting the special exception.
    - b. This use shall not be permitted within one hundred (100) feet of the outside line of the right-of-way of any public highway or within three hundred (300) feet of any occupied dwelling, unless the consent to do so is released by the owner thereof, or any public building, school, park, or community or institutional building.
    - c. This use shall not be permitted within one hundred (100) feet of any cemetery or the bank of any stream.
    - d. The applicant shall submit an appropriate screening plan which may make use of spoils material provided that it shall be neatly graded and vegetated. Screening may be located within the restricted zones noted in a. and b. above. If the applicant demonstrates that screening is not required and with the adjacent property owners consent, screening can be waived.
    - e. The applicant shall provide the governing body of the municipality with a single copy of permits, permit application and permit amendments that are submitted to D.E.P.

#### **405. WOODLAND PRESERVATION DISTRICT**

##### **A. Use Regulations**

1. Permitted Uses
  - a. Game Lands, Wildlife Preserves;
  - b. Cultivation of Crops;
  - c. Nurseries, Tree Farms;
  - d. Clubs for Hiking, Climbing, Hunting, Fishing, etc.;
  - e. Riding Stables;
  - f. Single Family Detached Dwellings;
  - g. Seasonal Residences;
  - h. Accessory Uses, See § 506;
  - i. No-Impact Home-Based Business

- 2. Special Exception Uses
  - a. Kennels
  - b. Campground
  - c. Recreation Vehicle Park
  - d. Wireless Telecommunication Facilities, See § 521
- 3. Conditional Uses
  - a. Agriculture
  - b. Recreation

B. Density and Height Requirements

- 1. Existing residential or seasonal residential lots, less than 2 acres in size
  - a. Maximum Building Coverage: 10%
  - b. Maximum Impervious Coverage: 20%
  - c. Maximum Building Height: 35 ft.
- 2. All other Uses.
  - a. Maximum Building Coverage: 5%
  - b. Maximum Impervious Coverage: 10%
  - c. Maximum Building Height: 35 ft.

C. Areas and Dimensions

- 1. Existing residential or seasonal residential lots, less than 2 acres in size.
  - a. Minimum Yard Dimensions:
    - Front: 20 ft.
    - Side: 10 ft.
    - Rear: 20 ft.
    - 10 ft. (accessory structures)
- 2. All other Uses
  - a. Minimum Lot Size: 10 acres
  - b. Minimum Lot Width: 300 ft.
  - c. Minimum Yard Dimensions:
    - Front: 100 ft.
    - Side: 75 ft.
    - Rear: 100 ft.

D. Special Exception Criteria

- 1. Kennels, including treatment, breeding, boarding and grooming facilities, conditioned upon, but not limited to, the following criteria:

- a. Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.
- b. Demonstration that all animals will be confined to the property.
- c. Demonstration of adequate methods for sanitation and sewage disposal.
- d. Outdoor runs shall be located at least 200 feet from any dwelling not located on the premises and at least 100 feet from any lot line.
- e. Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences.
- f. A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, sidewalks, buildings, runs, and other physical features, existing and proposed.

2. Agriculture

- a. Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.
- b. Demonstration that all animals will be confined to the property.
- c. Demonstration of adequate methods for sanitation and sewage disposal.

3. Campground and Recreational Vehicle Parks

- a. Permanent landscaping and screening shall be required in accord with § 511 where necessary to shield adjacent residential use from parking lots, illumination and headlights, noise and other objectionable influences.
- b. The development shall be designed and constructed in accord with the applicable Subdivision and Land Development Ordinance.
- c. All sites, lots, facilities and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.
- d. Central sewage and water facilities in accord with D.E.P. regulations shall be provided by the developer for all recreation and campground uses.
- e. Storm water management shall be required and shall be designed to create not increase in the storm water runoff rate by providing controlled release and recharge areas; drainage facilities shall enhance the overall development and not conflict with pedestrians and motor vehicles
- f. Adequate, safe, and convenient facilities for pedestrians and motor vehicles, including roadways, driveways, paths, trails, off-street parking and loading and landscaped areas to serve the development shall be provided. See Article V for pertinent standards.

**406. PUBLIC LAND PRESERVATION DISTRICT**

A. Use Regulations

1. Permitted Uses

- a. Game lands, wildlife preserves;
- b. Single family detached dwelling;
- c. Club for hiking, climbing, hunting, fishing, etc.;
- d. Cultivation of crops;
- e. Outdoor activities licensed by the State;
- f. No-Impact Home-Based Business

2. Special Exception Uses

- a. Campground;

3. Conditional Uses

- a. Recreation

B. Density and Height Requirements

- 1. Maximum Building Coverage: 5%
- 2. Maximum Impervious Coverage: 10%
- 3. Maximum Building Height: 35 ft.

C. Areas and Dimensions

- 1. Minimum Lot Size: 11 acres
- 2. Minimum Lot Width: 300ft
- 3. Minimum Yard Dimensions:
  - Front: 100 ft.
  - Side: 75 ft.
  - Rear: 100 ft.

D. Special Exception Criteria

1. Campground

- a. Permanent landscaping and screening shall be required in accord with § 511 where necessary to shield adjacent residential use from parking lots, illumination and headlights, noise and other objectionable influences.
- b. The development shall be designed and constructed in accord with the applicable Subdivision and Land Development ordinance.
- c. All sites, lots, facilities and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.
- d. Central sewage and water facilities in accord with D.E.P. Regulations shall be provided by the developer for all Recreation and Campground uses.
- e. Storm water management shall be required and shall be designed to create not increase in the storm water runoff rate by providing controlled release

and recharge areas; drainage facilities shall enhance the overall development and not conflict with pedestrians and motor vehicles.

- f. Adequate, safe, and convenient facilities for pedestrians and motor vehicles, including roadways, driveways, paths, trails, off-street parking and loading and landscaped areas to serve the development shall be provided. See Article V for pertinent standards.

**407. RESORT DISTRICT**

**A. Use Regulations**

1. Permitted Uses

- a. Cultivation of crops and Forestry.
- b. Single-family detached dwellings on non-conforming lots of record
- c. Accessory Uses on non-conforming lots of record: See Section 506

2. Special Exception Uses

3. Conditional Uses

- a. Resort

**B. Density and Height Requirements**

- 1. Maximum Building Coverage: 20%
- 2. Maximum Impervious Surface: 40%
- 3. Maximum Building Height: 35 ft.

**C. Areas and Dimensions**

- 1. Minimum Lot Size: 10 acres
- 2. Minimum Lot Width: 300 ft.
- 3. Minimum Yard Dimensions:
  - Front: 200 ft.
  - Side: 75 ft.
  - Rear: 75 ft.

Single family detached dwellings on non-conforming lots of record

- Front: 20 ft.
- Side: 10 ft.
- Rear: 20 ft.

- 4. Minimum Building Separation: 30 ft.

**D. Conditional Use Criteria**

1. All Conditional Uses Shall Comply with the Following:
  - a. Central sewer and water facilities shall be provided by the developer and maintained by the developer and or homeowners association, or other similar entity.
  - b. Adequate, safe, and convenient facilities for pedestrian and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks, and landscaped area to serve the development shall be provided. See Article V for pertinent standards.
  - c. Storm water management shall be required and shall be designed to create no increase in the rate of runoff of storm water by providing controlled release and recharge area; drainage facilities shall not conflict with pedestrians and motor vehicles.
  - d. Permanent landscaping and screening shall be required in accord with § 511 where necessary to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences.
  - e. Lighting facilities shall be designed to avoid glare and to direct illumination away from adjacent properties and roadways.
  - f. All lots and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.
  - g. All uses generating noises and/or odors shall address such problems in building construction, screening for sound absorption, larger critical dimensions, or other methods as may be required by the municipality.
  - h. The applicant shall prepare a community impact study which analyzes and evaluates the impact of the proposed use on community facilities, including but not limited to:
    - (1) water supply
    - (2) sewage collection and treatment
    - (3) emergency services (fire and ambulance)
    - (4) surface, ground and storm water management
    - (5) visual impact
    - (6) street and highway capacity and access
    - (7) other community facilities which may be impacted.
  - i. The Applicant shall prepare a report which contains proposals to minimize any adverse impacts identified in the community impact study, including, where appropriate, alternative solutions or proposals.
2. The conditional use shall be required to comply with the other relevant provisions of the Zoning Ordinance, including but not limited to: Article V Supplemental Regulations.
3. A conditional use applicant shall be required to also obtain approval of a Subdivision and land development plan pursuant to the applicable subdivision

and land development ordinances which approval may be a conditional use approval.

4. A conditional use applicant shall be required to enter into a Development Agreement and the Township, in a form acceptable to the Board of Supervisors and the Township Solicitor, setting forth the following:
  - a. Terms and conditions for the approval, development, construction, operation and maintenance of the proposed use.
  - b. A sketch plan of the entire property owned by the applicant.
  - c. A schedule of the various components of the proposed use from submission of the application through completion of all construction.
  - d. The procedure for creating and utilizing the assistance of a Township Citizen Advisory Committee or Board and a Watershed Committee or Board, as well as other advisory committees or agencies, which the Township may, from time to time, deem appropriate and necessary.
  - e. Provisions for such application fees and charges and review fees as may be incurred on behalf of the Township with respect to the proposed conditional use, including provisions for advanced payment for appropriate deposits or security for such payments.
  - f. Such provisions as may be determined necessary with respect to any required deed restrictions or covenants, limitation on use, dispute resolutions procedures and requirements and approvals or notification with respect to modifications of the plan, ownership or uses.

#### **408. COMMERCIAL DISTRICT**

##### **A. Use Regulations**

##### **1. Permitted Uses**

- a. Retail business, wholesale business, personal service and repair, office building and educational uses;
- b. Professional Offices;
- c. Agricultural business;
- d. Accessory uses, See S 506
- e. Cultivation of crops;
- f. Restaurants, hotel, or motel
- g. Single family detached dwellings.
- h. Golf Course
- i. Recreation
- j. No-Impact Home-Based Business

##### **2. Special Exception Uses**

- a. Shopping Center;
- b. Public and Quasi-Public Uses;

- c. Animal Hospital;
- d. Campground
- e. Mobile Home Park

3. Conditional Uses

- a. Adult Uses
- b. Minor Recreation
- c. Junkyards

B. Density and Height Requirements

- 1. Maximum Building Coverage: 40%
- 2. Maximum Impervious Surface: 60%
- 3. Maximum Building Height: 35 ft.

C. Areas and Dimensions

1. Permitted Uses, Animal Hospital, and Public and Quasi-Public Uses.

- a. Minimum Lot Size:
  - (without public sewer) 2 acres
  - (with public sewer) 1 acre
- b. Minimum Lot Width: 150 ft
- c. Minimum Yard Dimensions:
  - Front: 50 ft.
  - Side: 20 ft.
  - Rear: 20 ft.

2. Shopping Center

- a. Minimum Lot Size: 5 acres
- b. Minimum Yard Dimensions:
  - Front: 50 ft.
  - Side: 20 ft.
  - Rear: 20 ft.

3. Mobile Home Park

- a. Minimum Lot Size: 5 acres
- b. Minimum Lot Width: 250 ft.
- c. Minimum Yards for Site Perimeter:
  - Front: 80 ft.
  - Side: 40 ft.
  - Rear: 40 ft.

4. Mobile Home Park – Individual Lots

- a. Minimum Lot Area: 5,000 sq. ft.



- b. Minimum Lot Width: 50 ft.
- c. Minimum Yard Dimensions:
  - Front: 20 ft.
  - Side: 10 ft.
  - Rear: 10 ft.

5. Adult Uses

- a. Minimum Lot Area: 2 acres
- b. Minimum Lot Width: 150 feet
- c. Minimum Yard Dimensions:
  - Front: 50 ft.
  - Side: 20 ft.
  - Rear: 20 ft.
- d. No adult use shall be situated or located within:
  - (1) 250 feet of the boundary of any Residential Zoning District or residential property line.
  - (2) 500 feet of the property line of any church, school, theater, park, playground, or other areas where minors congregate.
  - (3) 250 feet of the property line of any retail establishment.
  - (4) 500 feet of the property line of any other adult use.
  - (5) Any establishment licensed by the Pennsylvania Liquor Control Board to dispense alcoholic beverages.
- e. Additional Requirements:
  - (1) No adult use shall be conducted in any manner that violates any of the provisions of any other Federal, State, County or Municipal law or regulation.
  - (2) The entire perimeter of any lot containing an adult use shall be screened with a minimum of six (6) feet high visually impervious material, except for the parking lot entrance and exit.
  - (3) A minimum of one (1) off-street parking space per 100 square feet of gross floor area shall be required.
  - (4) Signs shall be limited to a maximum of twenty-four (24) square feet for adult uses and internally illuminated signs are prohibited.

D. Special Exception Criteria

- 1. Animal Hospitals, conditioned upon, but not limited to, the following criteria:
  - a. Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.
  - b. Demonstration that all animals will be confined to the property.
  - c. Demonstration of adequate methods for sanitation and sewage disposal.
  - d. Outdoor runs shall be located at least 200 feet from any dwelling not located on the premises and at least 100 feet from any lot line.

- e. Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences.
- f. A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, sidewalks, buildings, runs, and other physical features, existing and proposed.

2. Public and Quasi-Public Uses

- a. Permanent landscaping and screening shall be required in accord with § 511 where necessary to shield adjacent residential use from parking lots, illumination and headlights, noise and other objectionable influence.
- b. The development shall be designed and constructed in accord with the applicable Subdivision and Land Development Ordinance.
- c. All sites, lots, facilities and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.
- d. Central sewage and water facilities in accord with D.E.P. regulations shall be provided by the developer.
- e. Storm water management shall be required and shall be designed to create no increase in the storm water runoff rate by providing controlled release and recharge areas; drainage facilities shall enhance the overall development and not conflict with pedestrians and motor vehicles.
- f. Adequate, safe, and convenient facilities for pedestrians and motor vehicles, including roadways, driveways, paths, trails, off-street parking and loading and landscaped areas to serve the development shall be provided. See Article V for pertinent standards.

3. Mobile Home Park and Shopping Center

- a. Central sewer and water facilities shall be provided by the developer and maintained by the developer and or homeowners association, or other similar entity.
- b. Adequate, safe, and convenient facilities for pedestrian and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks, and landscaped areas to serve the development shall be provided. See Article V for pertinent standards.
- c. Storm water management shall be required and shall be designed to create no increase in the rate of runoff of storm water by providing controlled release and recharge area; drainage facilities shall not conflict with pedestrians and motor vehicles.
- d. Permanent landscaping and screening shall be required in accord with § 511 where necessary to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences.
- e. Lighting facilities shall be designed to avoid glare and to direct illumination away from adjacent properties and roadways.

- f. Commercial Land Developments and Mobile Home Parks shall be designed as a unit for development in their entirety under single ownership and control.
- g. All lots and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.

4. Campground

- a. Permanent landscaping and screening shall be required in accord with S. 511 where necessary to shield adjacent residential use from parking lots, illumination and headlights, noise and other objectionable influences.
- b. The development shall be designed and constructed in accord with the applicable Subdivision and Land Development Ordinance.
- c. All sites, lots, facilities and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.
- d. Central sewage and water facilities in accord with D.E P. regulations shall be provided by the developer for all Recreation and Campground Uses.
- e. Storm water management shall be required and shall be designed to create not increase in the storm water runoff rate by providing controlled release and recharge area; drainage facilities shall enhance the overall development and not conflict with pedestrians and motor vehicles.
- f. Adequate, safe, and convenient facilities for pedestrians and motor vehicles, including roadways, driveways, paths, trails, off-street parking and loading and landscaped areas to serve the development shall be provided. See Article V for pertinent standards.

**ARTICLE V**

**SUPPLEMENTAL REGULATION**

**500. Standards for the Provision of Single Family Detached Dwellings, Seasonal Residence, or Public and Quasi-Public Uses in the Agricultural Preservation District**

- A. A parcel of land less than 10 acres in size, as determined at the effective date of this Ordinance by a single deed on file in the Union County Courthouse, may be developed, allocated or subdivided for single-family detached dwelling, seasonal residence, or public and quasi-public use in accord with the Height, Coverage, Area and Dimension requirements of § 404 B. and 404 C. of this Ordinance.
  
- B. A parcel of land 10 acres or more in size as determined at the effective date of this Ordinance by a single deed on file in the Union County Courthouse, whether or not the parcel is enrolled in the clean and green program, may be developed, allocated, or subdivided for single-family detached dwelling, seasonal residence, or public and quasi-public uses in accord with the height, Coverage, Area, and Dimension requirements of § 404 B. and 404C. of this Ordinance provided that:
  - 1. the total amount of land developed, allocated, or subdivided for these uses shall not exceed the lesser of 10 acres or 10% (ten percent) of the original parcel as it existed at the effective date of this Ordinance;
  - 2. all the lots to be created from one parcel under this section shall be contiguous, use a common access, and be located so as to provide the least disruption to any farm operations; and
  - 3. the parcel owner or his designated agent shall file at the time of his application for a use, a sketch subdivision plan showing how he would develop, allocate, or subdivide his total allotment for these uses as determined in § 500.B.1 above. This filing shall only be required when the parcel owner is presently applying for only a portion of his total development allotment.
  
- C. All lands shall be developed, allocated, or subdivided in full accord with the rules and regulations of the Pennsylvania Farmland and Forest Land Assessment Act of 1974 (P.L. 973, No. 319, as amended). Parcel owners are strongly urged to contact the Union county Assessment Office. Union County Courthouse, Lewisburg, PA prior to developing allocating, or subdividing lands under the "Clean and Green" covenant as authorized under The Pennsylvania Farmland and Forest Land Assessment Act of 1974 in order to minimize roll back taxes and penalties required by the Act, its rules and regulations.

**501. NON-CONFORMING LOTS, STRUCTURES, BUILDINGS AND USES**

- A. Non-conforming lots of record. A non-conforming lot may be used for a permitted use in the district in which it is located even though such a lot fails to meet the requirements for lot area or dimensions or both. However, all other applicable requirements including yards shall apply. The variance of yard requirements shall be obtained only through action of the Zoning Hearing Board. In the event that two (2) adjacent lots of record are held in single ownership, the lots shall be combined to be reapportioned into a conforming lot or lots.
- B. Non-Conforming Structures or Buildings:
1. Any alteration, conversion, improvement, or enlargement of a non-conforming structure shall conform to the applicable requirements of this Chapter, excepting that at structure non-conforming as to yard or height requirements may be extended where the extension does not project further into the yard or does not extend further in height than the existing structure.
  2. Should a non-conforming structure or building be destroyed by any means it shall not be reconstructed in a manner which increases its non-conformity. If reconstruction has not commenced within one (1) year of the date of destruction, the destroyed non-conforming structure shall be reconstructed in full compliance with this Ordinance and any other applicable regulations.
  3. Should a non-conforming structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is to be located.
- C. Non-Conforming Use of Premises:
1. A new extension may be constructed to a structure housing a non-conforming use provided that the gross floor area of the extension shall not exceed fifty percent (50%) or the gross floor area of the existing structure and that other applicable requirements of this Chapter shall be adhered to.
  2. Any non-conforming use may be changed to another non-conforming use by Special Exception provided that the Zoning Hearing Board shall find the proposed use to be equally appropriate or more appropriate to the Zoning district in which it is located.
  3. A non-conforming use that is replaced by a permitted use shall not be allowed to revert to any non-conforming use.
  4. The removal or destruction of a structure housing a non-conforming use shall eliminate the non-conforming use status of the premises unless

reconstruction shall have been initiated within one (1) year of the removal or destruction.

5. If a non-conforming use is abandoned or discontinued for a period of two (2) years, further use of the land or structure shall conform in all respects to this Chapter.

D. Registration of Non-Conforming Uses and Structures:

To facilitate the administration of this Chapter, it shall be the duty of the Zoning Officer to develop and maintain an accurate listing of all non-conforming uses, structures, and lots identified during the performance of his duties as zoning officer. The listing shall identify the non-conforming aspect of the property.

**502. VISIBILITY AT INTERSECTIONS**

No obstruction to vision (other than an existing building, post, column, tree, or existing public utility pole) exceeding 30 inches in height shall be erected, planted, or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way line of each street extended to a point, and a line drawn between two points on the right-of-way line of each street each located ten feet (10') from the street intersection. All plant materials shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic, with the exception of seasonal agricultural crops.

**503. EXCEPTIONS TO HEIGHT REGULATIONS**

The height limitations of this Ordinance shall not apply to church spires, farm structures when permitted by other provisions of this Ordinance (i.e. silos, barn, etc.), belfries, cupolas, and domes not used for human occupancy, solar energy systems, not to chimneys, ventilators, skylights, water tanks, utility poles, standards and necessary mechanical appurtenances usually carried above roof level.

**504. PROJECTIONS INTO YARDS**

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

- A. Projecting architectural features – bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided that do not extend more than three (3) feet into any required yard nor closer than five (5) feet to any adjacent property line.
- B. Uncovered stairs and/or handicapped ramps.

- C. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than five (5) feet to any adjacent property line.

#### **505. UNIQUE LOTS AND BUILDING LOCATION**

- A. Two or More Buildings on a Lot. Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate lot.
- B. Through Lots. Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the Commission in conjunction with the developer shall decide which street will be considered as the front street. No principal structure shall be erected on the rear of the lot, except as specified in § 505. A.
- C. Side Yard of a Corner Lot. The side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street.

#### **506. ACCESSORY STRUCTURES**

Accessory structures shall comply with all requirements for the principal structure except where specifically modified by this Ordinance and shall comply with the following limitations:

- A. Fences, walls or planting may be constructed in required yards provided that:
  - 1. The vision of motor vehicle operators is not impeded at intersecting streets or driveways (See 502).
  - 2. Compliance with Township flood plain regulations is required.
  - 3. A zoning permit is required for any residential fence with the exception that any fence four feet and under in height that is ten feet or more from the property line is semi-transparent (i.e., chain link, split rail landscape fence) is exempt from obtaining a zoning permit.
- B. A storage utility building or other accessory structure may be maintained accessory to a dwelling or other use. It shall not exceed a building height of 35 feet, as measured from grade, and shall not be located in front of the principal building. Accessory structures shall be separated a minimum of ten (10) feet from any structure and shall be located no closer than six (6) feet from any property line. A single storage building of dimension 12 x 12 ft. or smaller shall be exempt from the zoning permit requirement and shall comply with all required setbacks.
- C. Accessory structures such as swing sets, play gyms, playhouses, dog houses, and dog runs shall comply with the above standards and shall be exempt from the

zoning permit requirement provided that they do not occupy more than 144 sq. ft. of area.

- D. Private non-commercial swimming pools which are designed to contain a water depth of twenty four (24) inches or more must be located only in a rear or side yard. Pools shall not be less than ten (10) feet from side or rear property lines. There shall be a continuous child proof barrier or fence not less than four (4) feet in height above the ground or surrounding deck level.
- E. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than ten (10) feet from side and rear property lines, and shall comply with Floodplain regulations if appropriate.
- F. Patios, paved terraces, shall be permitted in all yards provided that no impermeable surface shall be within five (5) feet of any property lines. Decks and open porches shall be at least ten (10) feet of any property line.
- G. The Non-Commercial Keeping of Animals is considered an accessory use in the Town, Rural Residential, Agriculture Preservation, Woodland Preservation and Village Zoning, Public Land Preservation, Resort District, Commercial District and shall be carried out in accordance with this Section.
  - 1. Outdoor exercise pens or shelters shall be suitably enclosed and located in the rear yard at least ten (10) feet from any lot line and not closer than fifty (50) feet from the nearest dwelling other than that of the owner of the animals.
  - 2. Accessory buildings associated with the keeping of said animals may not occupy more than twenty-five percent (25%) of the rear yard.
  - 3. Animal waste storage and disposal shall be handled in such a manner that it does not create a nuisance condition for adjoining properties and areas for waste storage and disposal shall be located in the rear yard and at least ten (10) feet from any lot line and not closer than fifty (50) feet from the nearest dwelling other than that of the owner of the animals.
  - 4. All animals shall be confined to the property of the owner and shall not create a nuisance.
  - 5. The number of small animals such as rabbits, poultry, pigeons, quails, ferrets, guinea pigs, etc. shall be limited to the following:
    - a. Town District – Any combination of twelve (12) total small animals per acre.
    - b. Rural Residential, Village and Woodland Zoning Districts – Any combination of twelve (12) animals per acre.
  - 6. The number of larger animals and livestock such as cows, pigs, goats, sheep, horses, etc. shall be limited to any combination of (2) per acre.
- H. Wind Turbines, Personal Use – are permitted in all zoning districts as an accessory use and shall comply with the following:
  - 1. Maximum height of 120 feet.
  - 2. Shall be setback from public roads and adjoining property lines a distance equal to the height of the tower plus 20 percent.



3. Rated to generate 100 kw or less.
4. Installation shall meet all other applicable codes and ordinances.
5. For structure/home mounted turbines the supporting structure will be considered as part of the tower.

#### **507. HOME OCCUPATION**

In any district, any lawful, gainful occupation conducted by a member of the immediate family owning and residing on the premises may use a portion of the dwelling or accessory structure for a home occupation provided that the following conditions are met and a permit is issued by the Zoning Officer.

- A. The Home Occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) sign or name plate in accordance with § 509 of this Ordinance.
- B. The Home Occupation shall be conducted wholly within the dwelling or accessory building, and shall not occupy more than twenty five (25%) percent of the area of the first floor of the dwelling, or more than seven hundred and fifty (750) square feet whichever is the greater. The floor area standards shall not apply to family day care homes.
- C. All parking shall be off-street. Two (2) off-street spaces shall be provided in addition to that required of the residential use.
- D. Any home occupation which creates objectionable noise, fumes, odor, dust, electrical interference shall be prohibited.

#### **508. OFF-STREET PARKING AND LOADING**

A. Off-Street Parking. In all districts, off-street parking spaces shall be provided as set forth in the following table whenever any building is erected or enlarged. Such spaces shall have an area of at least 200 square feet (Compact car spaces shall have an area of at least 128 square feet) and shall have adequate and well-designed ingress and egress.

**REGULATIONS FOR OFF-STREET PARKING SPACES (a)**

The requirements for off-street parking shall include but not be limited to the types of uses set forth in the chart below.

TYPE OF USE		ONE PARKING SPACE REQUIRED FOR EACH
1	Offices, Retail Business and Customer Service Establishments	300.0 sq. ft. of floor area
2	Restaurants, Taverns, Night Clubs	2.5 seats
3	Professional Office or Clinics	0.2 professional persons
4	Motels	0.75 sleeping rooms
5	Hotels/Bed & Breakfasts	1.0 sleeping rooms
6	Churches, Theaters, Auditoriums and places of Assembly	3.5 seats
7	Elementary and Secondary Public and Parochial Schools	15.0 classroom seats
8	Colleges, Universities and Commercial Schools	5.0 classroom seats
9	Social Halls, Clubs and Lodges	200.0 sq. ft. of floor area
10	Bowling Alleys	0.2 alleys
11	Hospitals	2.0 beds
12	Dwelling Units	0.5 dwelling unit
13	Funeral Homes	5.0 seats
14	Rooming Houses and Dormitories	2.0 beds
15	Manufacturing Plants and Laboratories	3.0 employees (b) (c)
16	Wholesale Establishments Warehouses	2.0 employees (b)
17	Nursing Homes	4.0 beds

(a) This table applies only to new construction and the enlarged section of any addition.

(b) Plus one additional space for each 1,000 sq. ft. of floor area

(c) In no case shall the total parking area be less than 25 percent of the floor area.

B. Off-Street Loading. Every commercial, industrial or other building which requires the receipt of distribution by vehicles of material or merchandise shall provide off-street loading space for each structure of part thereof as set forth in the accompanying table entitled "Minimum Required Off-Street Loading Berths".

MINIMUM REQUIRED OFF-STREET LOADING BERTHS

Use	Square Feet of Total Floor Area	Number of Berths
1. Offices; Motels	From 10,000 – 25,000	1
Retail Commercial	From 25,000 - 40,000	2
Wholesale, Manufacturing	From 40,000 – 60,000	3
Storage and Miscellaneous Uses	From 60,000 – 100,000	4
	For each additional 50,000 of fraction thereof 10,000 or more	1 additional
2. Schools	10,000 or more	1
3. Hospitals (in addition to space for ambulances)	From 10,000 – 30,000	1
	For each additional 30,000 or major fraction thereof	1 additional

C. Development and Maintenance of Parking Facilities:

Whenever off-street parking is required, the parking area, turning aisle and space shall be designed, constructed and maintained in accordance with the following minimum standards.

1. All lot shall be clearly marked for ease of movement and efficient use of space.
2. All parking spaces shall have access from an aisle in the parking area: under no circumstances shall direct access to the lot be allowed from a public street or private road serving three(3) or more dwelling units;
3. Parking areas shall be a minimum of ten (10) feet from a dwelling and five (5) feet from a public or private street;
4. The parking area shall be constructed of a stabilized base with a suitable all weather surface. Special consideration should be given to utilizing the parking area as a component of the storm water management facilities;
5. Parking spaces shall have dimensions of ten feet by twenty feet (10' x 20'). Seventy five percent (75%) of the parking spaces must be at least ten feet by twenty feet (10' x 20') with twenty five percent (25%) allowed for compact spaces of eight feet by sixteen feet (8' x 16').
6. All parking areas shall have access from a clearly limited and defined driveway curb at the following standards:
  - one-way traffic: 10' minimum, 15' maximum
  - two-way traffic: 20' minimum, 35' maximum

--the radius of the edge of the driveway apron shall be at least (15) feet; or as Penn DOT may specify for any given proposal;

7. Where parking areas for five (5) or more spaces are adjacent to residential use, a solid screen of attractive fencing or evergreen vegetation shall be provided to a minimum height of four (4) feet;
8. In all cases where curb and gutter or sidewalks are existing or are adjacent to the proposed parking area, these facilities shall be retained or extended;
9. All off-street parking areas that are larger than five (5) spaces and are surfaced with an impervious material shall be designed to incorporate storm water management. The storm water management plans shall be reviewed and approved by the Union County Conservation District prior to the issuance of a zoning permit.
10. In accord with variance procedures the Zoning Hearing Board upon the recommendation of the Planning Commission may require fewer total spaces under the following conditions:
  - a. The peak usage hours of the different uses vary to the extent that each use may share the same parking facilities while still providing adequate parking for each use; or
  - b. The clientele of a given use could reasonably be expected to be pedestrians, or utilize shared-rides.
  - c. Should the zoning Hearing Board and developer agree to reduce parking requirements, the Zoning Hearing Board may require a written agreement which reserves sufficient open space to provide additional parking and turning area in the event of unanticipated growth or a miscalculation.
  - d. Further, the Zoning Hearing Board may require the reservation of open space for additional parking which may be necessary in excess of the guidelines in the schedule of required spaces above.

## **509. SIGNS**

1. Signs shall only be erected and maintained when in compliance with the following provisions.
  - a. Signs shall be constructed of durable material and shall be maintained in good condition and appearance.
  - b. No sign shall be placed in a location which any obstruct the view of on-coming or intersecting traffic. See also § 502.
  - c. No signs other than official traffic signs shall be erected within a public road right-of-way, excepting those specifically authorized by the Township Supervisors for a certain purpose and certain period of time;
  - d. No sign shall be erected that consists of moving parts or uses flashing or intermittent illumination; the source of light shall be steady and stationary; lighted signs shall be illuminated only to the extent that the message on the

- sign is lighted, and shall not cast glare onto public streets or adjacent property;
- e. Any sign rendered non-conforming by reason of this Ordinance shall be maintained in reasonable condition. In the event that such a non-conforming sign requires significant repair, overhaul, or reconstruction, it is the specific intent of this Ordinance that the replacement sign conform in all respects with this Ordinance.
  - f. Temporary portable signs shall not be permitted on a permanent basis. Portable signs can be erected for a period not to exceed ninety (90) calendar days within any six (6) month period, and shall not exceed thirty two (32) square feet.
  - g. One Directory sign shall be allowed. The sign shall not exceed six (6) feet in height and four (4) square feet in area.
  - h. One advertising sign off premise as per the dimensional standards chart in § 509.4 of this Ordinance.
  - i. Four directional signs shall be allowed. Such signs shall not exceed 12 square feet in area and a maximum height of nine feet.
  - j. Digital and poster signs are permitted in the Commercial and Business Development Zoning Districts and are limited to one (1) sign with an area of 200 square feet of sign area, and shall have a separation distance of 1500 feet of roadway from any other digital or poster signs. The setback and maximum height requirements of the table in § 509 (4) shall apply.
2. A Zoning Permit shall be obtained prior to the construction or replacement of any sign, excepting:
    - a. Official traffic signs:
    - b. Real Estate Signs of (4) square feet of less in area.
    - c. The temporary signs of artisans, painters, contractors, and mechanics where such signs are not greater than twelve (12) square feet, are posted only on the site where work is being performed and are removed promptly when the work has been completed.
    - d. Trespassing signs which do not exceed two (2) square foot in area; and
    - e. Signs offering seasonal produce for sale or advertising yard/porch/garage sales where such signs do not exceed twelve (12) square feet and are removed within 48 hours following the cessation of the described activity.
    - f. Temporary portable signs as described in § 509.1.f.
    - g. Political signs less than six (6) square feet must be removed within seven (7) days after the election.
  3. The following signs are prohibited:
    - a. Any sign which advertises or publicizes an activity or business not conducted on the premises upon which such sign is maintained, except for school, church, civic or community events and a directory sign as per 509.1.g. This

requirement may be altered under the variance procedures (see § 707 MPC).

- b. Any portable sign, except as otherwise permitted under the provisions of this Ordinance.
- c. Any sign located within the required clear sight triangle at the intersection of two streets or sign attached or fastened to a public utility pole.

4. The following dimensional standards shall apply for permitted signs.

		ZONING DISTRICT				
		T, V, RR, WP, PLP		AP	C	
		Residential	Non Residential			
Type	No. of Signs	1	2		2	3
<u>FREE STANDING</u>	Min. Setbacks	R.O.W.	R.O.W.		R.O.W.	R.O.W.
	Max. Height	6 ft.	20 ft.		20 ft.	20 ft.
	Max. Area	12 sq. ft.	12 sq. ft.		32 sq. ft.	64 sq. ft.
<u>WALL MOUNTED</u>	Max. Height	*	*			
	Max. Area	12 sq. ft.	20 sq. ft.		20 x 30 sq. ft.	20 x 30 sq. ft.
	Max. Ext.	15 inches			15 inches	
<u>PROJECTING</u>	Max. Height	*	*		*	*
	Max. Area	12 sq. ft.	12 sq. ft.		24 sq. ft.	32 sq. ft.
	Maximum Projection From wall	2 ft.	3 ft.		3 ft.	6 ft.

\*Not to exceed the height and width of the wall.

- a. Number of signs shall mean the maximum number of sign(s) of any type per street frontage per establishment or residence. Note that individual tenants in multiple tenant buildings are not permitted to have free-standing signs. However, multiple tenant buildings or lots may have a common free-standing sign which may include information pertaining to the individual tenants.
- b. Religious Houses of Worship as defined in this Ordinance are permitted to have a maximum free standing sign area of thirty two (32) square feet per each side in all zoning districts except the Commercial Zoning District where the standards in the about table shall apply.

**510. USES FRONTING ON COLLECTOR AND ARTERIAL STREETS**

1. Driveway Access Points – Non-residential parcels shall be limited to no more than two driveway access points from the street or highway from which they derive their principal access and such driveway access points shall be in accord with § 508.C.6 and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway. Parcels less than 200 feet wide shall only have one driveway access point.
2. Driveways Near Intersecting Street – Edge of driveways shall be a minimum of 50 feet removed from the stop line of the street intersection.
3. Miscellaneous Access Considerations – Where a number of individual parcels or buildings are being developed jointly, or where a parcel or building is being developed adjacent to another parcel used or suitable for non-residential development, the following shall apply:
  - a. The location and planning of driveway access points shall permit their joint use by adjoining parcels so as to minimize the number of intersections with the street or highway from which they derive their access.
  - b. The development of parking and loading areas shall permit convenient traffic circulation between adjoining parcels.
  - c. Safe pedestrian circulation between adjoining parking areas and building shall be provided.
  - d. Landscaping and other features which will enhance the usability, character, and attractiveness of the area shall be provided.

**511. SCREENING AND LANDSCAPING**

Yard Screening shall be provided along the boundaries of any manufacturing or commercial use of off-street parking lot which abuts a residential use of any Special Exception or Conditional Use where screening is required. Screening shall consist of a visual obstruction or suitable fence or wall at least four feet (4') high or attractive, maintained shrubs or hedges a minimum of four feet (4') high. Care shall be taken in the design of the screening so as not to limit visibility at the intersection of street and driveway access points.

In lieu of a solid hedge, wall, or fence barrier the appropriate board may consider the substitution of an attractive and coordinated landscaping design. This design shall be detailed on the site plan or on a separate drawing. Emphasis shall be given to the integration of the parking in to the landscape plan so as to minimize its visual impact

upon adjacent lots and upon the neighborhood. Landscaping shall be maintained to achieve the desired effect. The Zoning Officer shall notify property owners in the event that required or approved screening or landscaping is not maintained.

#### **512. CONVERSIONS OF BUILDINGS**

The conversion of any building into dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or households, shall be permitted only within a district in which a new building for a similar occupancy would be permitted under this Ordinance. The resulting dwelling(s) shall comply with all requirements governing new construction in such district.

#### **513. STRUCTURES TO HAVE ACCESS**

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access by a private street approved in accord with the applicable Subdivision and Land Development Ordinance. All structures shall be located in lots so as to provide safe and convenient access for servicing fire protection and required off-street parking.

#### **514. WATER SUPPLY AND SEWERAGE FACILITIES REQUIRED**

In the interest of protecting the public health, safety and welfare, every building or structure hereafter, altered or moved upon any premises, or used in whole or in part for dwelling, commercial or recreational business or industrial purpose shall be provided with a safe and sanitary means of collection and treatment or disposal of sewage. Such facilities shall conform to the minimum requirements set forth by the Pennsylvania Department of Environmental Resources.

#### **515. FOUNDATIONS**

Any dwelling unit hereafter erected or altered (except for a mobile home situated in a mobile home park) shall be installed upon and securely fastened to a permanent continuous frost-free foundation, or piers set upon frost-free footers, and in no event shall it be erected on jacks, loose blocks, or other temporary materials.

#### **516. DANGEROUS STRUCTURES**



Upon notification and request by the Zoning Officer to the Governing Body, any building or structure which had deteriorated to the state where it is dangerous and/or unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or vermin, or endangers the safety of children playing thereabouts, shall be repaired, altered or removed to eliminate the dangerous conditions. Such action shall commence within one hundred twenty (120) days of notification by the Zoning Officer.

#### **517. PUBLIC UTILITIES EXEMPT**

If, upon petition of the Corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide the present or proposed situation of the building or installation in question is reasonably necessary for the convenience or welfare of the public, the regulations of this Ordinance shall not apply to any existing or proposed structure or extension thereof, used or to be used by a Public Utility Corporation. The Township Supervisors and Planning Commission members shall receive proper notification of request to a public hearing before the Public Utility Commission.

#### **518. PARKING AND STORING OF CERTAIN VEHICLES**

Upon notification and request by the Zoning Officer to the governing Body, any junk vehicle which has deteriorated to the state where it is dangerous and /or unsafe, shelters rats or vermin, or endangers the safety of children playing thereabouts, shall be removed to eliminate the dangerous conditions. Such action shall commence within one hundred twenty (120) days of notification by the Zoning Officer.

#### **519. AUTOMOBILE RELATED BUSINESS**

- A. Gasoline pumps and all other service equipment shall be setback not less than twenty five (25) feet from any lot line and /or road right-of-way, and shall be located such that vehicles stopped for service will not extend over the property line.
- B. The conduct of a business which involves or generates excessive noise, dust, or fumes which may be considered a nuisance, shall operate only between the hours of 7:00 am and 9:00 pm; or between more restrictive hours as may be determined by the Township.
- C. Access to the property shall be by means of well-defined access drives. All parking requirements of § 508 shall apply.

## **520. CONCENTRATED ANIMAL OPERATION AND COMMERCIAL LIVESTOCK OPERATIONS REGULATIONS**

Concentrated Animal Operations (CAO) and Concentrated Animal Feeding Operations (CAFO) may only be permitted in the Agricultural Preservation District, and all new or expanded CAOs and CAFOs shall require Conditional Use approval from the Township Supervisors prior to the issuance of a building/zoning permit for the activity. In addition, all applications for CAOs and CAFOs shall satisfy the following criteria:

1. All concentrated animal operations and concentrated animal feeding operations shall meet the requirements set forth in the final draft of the PA Nutrient Management Regulation, as approved by the PA Nutrient Management Act (3P.S. SS 1701-1718) and the rules and regulations of the Pennsylvania Department of Environmental Protection and the State Conservation Commission in 25 PA Code, Chapter 83, Subchapter D, § 83.201 to § 83.491 as amended, for the preparation and submission of Nutrient Management Plans. In particular, all such operations shall meet the standards established pertaining to nutrient application, manure management, and manure storage facilities.
2. An owner or operator of a proposed Concentrated Animal Operation (CAO) or Concentrated Animal Feeding Operation (CAFO) shall obtain a Township permit to operate a CAO or CAFO, which the Township shall issue to the owner or operator upon the Township's receipt of proof that the owner or operator has an approved nutrient or odor management plan and has obtained all required DEP permits.
3. Any driveway or access drive providing for vehicular access to the proposed use shall maintain a fifty (50) foot wide radius for all turns and intersections.
4. All applicants shall submit a storm water management plan, whether as part of an application for a land development or if a land development plan is not required, the storm water plan shall be submitted directly to the Township for review by the municipal engineer.
5. Setbacks. The following setbacks shall apply:
  - a. All manure storage facilities shall be set back a minimum of 100 feet and a maximum of 300 feet from any lot line, as applicable under 25 Pa. Code § 83.351.
  - b. The location for animal housing and manure storage facilities for new or expanding concentrated animal operations or concentrated animal feeding operations shall be in accordance with the approved Odor management Plan.

- c. Agricultural operations that use or produce manure that are not concentrated animal operations (CAO) or concentrated animal feeding operations (CAFO) shall comply with the DEP requirements applicable to such operations, including the requirements specified in 25 Pa. Code § 91.36 and the manuals and guides referenced in that provision.
- d. Buildings used for animal housing on agricultural operations that are not concentrated animal operations (CAO) or concentrated animal feeding operations (CAFO) shall be set back a minimum of 100 feet from property lines.

## **521. WIRELESS TELECOMMUNICATION FACILITIES**

1. The applicant shall demonstrate that the proposed location is necessary for the efficient operation of the system.
2. Wireless Telecommunications Facilities shall be located, sited and constructed in accordance with the following list of locations which are set forth in the order of priority:
  - a. Existing Wireless Telecommunication Towers, without increasing the height of the tower;
  - b. Structures already used for Wireless Telecommunication, without increasing the height of the tower;
  - c. Other existing structures, without increasing the height of structure;
  - d. Existing Wireless Telecommunications Towers where the height is increased;
  - e. Structures already used for Wireless Telecommunications where the height of the structure is increased;
  - f. Appropriate municipal property; and
  - g. Other lands.
3. Any application for the placement of a Wireless Telecommunications Facility as allocation other than set forth in § 521.2.a above shall be accompanied by a detailed written explanation, as to why it is not located at such site or at such other site, which has a higher priority. If the Township is satisfied that the applicant has made a reasonable effort to obtain a higher priority site but has been unsuccessful it may grant approval for a lesser priority site. The reasons for the selection of a site of lesser priority shall not include refusal of Wireless Telecommunications Facility owner(s) or operator(s), for which a permit has been issued, to permit co-location. All Wireless Telecommunication Towers shall be set back from the property line a distance equal to its height, plus one hundred (100) feet. This setback shall also be applicable to guyed wire anchors for the tower.

5. All towers and guyed wire anchors shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
6. All ground mounted satellite dishes that are used to transmit video format data shall be completely enclosed by a minimum eight (8) foot high, non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended.
7. The applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent (1) the toppling of any tower onto adjoining properties and/or streets, and (2) the wind-borne scattering of ice onto adjoining properties and/or streets.
8. The application shall submit notice of approval for the proposed installation from the Federal Aviation administration and the Federal Communications Commission.
9. Communications antennas which are capable of transmitting signals shall not create electrical, electromagnetic, microwave, or other interference off site.
10. The applicant shall submit expert testimony that the wireless telecommunication tower or antenna is the minimum height required to function satisfactorily.
11. The applicant shall submit a plan for the removal of the wireless telecommunication tower and the communication antenna when they become functionally obsolete or are no longer in use. The applicant shall be responsible for the removal of the facility within three (3) month from the date the applicant ceases use of the facility or the facility becomes obsolete.
12. In order to reduce the number of wireless telecommunication towers needed in the Township in the future, any proposed tower shall be designed to accommodate other users, including but not limited to co-location of other wireless telecommunication service providers, police, fire and emergency services.
13. If a wireless telecommunication facility is fully automated, two (2) off-street parking spaces shall be required. If the site is not automated, the number required parking spaces shall equal the number of people on the largest shift, but in any event, may not be less than (2) off street parking spaces.
14. All applicants for wireless telecommunication towers shall be required to submit all necessary subdivision and land development plans and shall meet the requirements contained in the applicable Subdivision and Land Development Ordinance.

**522. NO-IMPACT HOME BASED BUSINESS**

- a. No-Impact Home-Based Businesses are permitted by right in all zoning districts where residential uses are allowed in the township and do not require a zoning permit if they meet the requirements of § 522.b, except that such permission shall not supersede any deed restriction, covenant, or agreement restricting the use of the land, nor any master deed, bylaw or other document applicable to a common ownership interest.
- b. No-Impact Home-Based Businesses must satisfy the following conditions:
  1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  2. The business shall employ no employees other than family members residing in the dwelling.
  3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  4. There shall be no outside appearance of a business use, including but not limited to parking, signs or lights.
  5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
  6. The business activity may not generate any solid waste or sewage discharge in volume or type, which is not normally associated with residential use in the neighborhood.
  7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
  8. The business may not involve any illegal activity.

**523. JUNKYARDS**

Junkyards shall have the entire perimeter screened with a minimum of six (6) feet high impervious material (except for entrance and exit); shall be located a minimum of one hundred (100) feet from adjoining property lines; shall be outside of road right-of-ways;

shall have an approved management plan for hazardous waste containment and disposal.

**ARTICLE VI**

**CLUSTER SUBDIVISION**

**600. STATEMENT OF PURPOSE**

Cluster subdivision is an optional form of development which allows the developer more choices of housing types, and enables him to develop lots smaller than otherwise specified in this Ordinance, provided the land saved is reserved for permanent common use, usually in the form of Open Space.

A cluster subdivision shall be designed in accord with the regulations contained in this section.

All proposed Cluster Subdivision projects must be approved by submission of appropriate preliminary and final plans to the Township in compliance with the applicable Subdivision and Land Development Ordinance, and shall be acted on within the time limits set forth in Article V of Act 170, the Pennsylvania Municipalities Planning Code. The approval by the Zoning Hearing Board for a Cluster Subdivision use for a tract of land shall in no way automatically guarantee preliminary or final plan approval without satisfactory compliance with all other applicable codes and regulations of the Township, State, or Federal Government.

**601. APPLICATIONS for CLUSTER SUBDIVISION DEVELOPMENT**

Any developer who desires to initiate a Cluster Subdivision shall submit an application to the Zoning Hearing Board through the Zoning Officer in accord with Special Exception procedure. The application shall be accompanied by:

- A. Location map showing the project in relation to the surrounding area;
- B. Sketch plan showing:
  - 1. Property lines and easements with dimensions and area;
  - 2. Location, size, spacing, setbacks and dimensions and area;
  - 3. The building types, sections, floor plan, and site sections to clearly define the character of the project; the Zoning Hearing Board may require a model if deemed necessary;
  - 4. Topographic information showing existing features, conditions, and proposed grading;

5. Landscaping plans showing open spaces, planting, existing and proposed trees and recreational areas and facilities; and
  6. Existing streets, showing access to the project, proposed roads and parking layout with dimensions.
- C. Written information regarding land use designations, surrounding land uses, project design teams, development schedule, type, size, number and estimated selling price of units and density calculations; and
- D. Written information regarding the following:
1. The nature and extent of the common open space in the project, the proposal for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities and dwelling types proposed in the plan;
  2. Whenever applicable, documents indicating compliance and approval of mandated State statutes or other laws shall be obtained and submitted as part of the application.

**602. CRITERIA for GRANTING SPECIAL EXCEPTION APPROVAL for CLUSTER SUBDIVISION**

A special exception approval for a cluster subdivision shall only be granted if evidence is presented that:

- A. The proposed cluster subdivision shall be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this section and applicable Subdivision and Land Development regulations;
- B. The proposed cluster subdivision shall not have substantial or undue adverse effects, as compared to a standard development permitted by this Ordinance, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare;
- B. The proposed cluster subdivision shall be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers and schools;
- D. The proposed cluster subdivision shall not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.



**603. GENERAL QUALIFICATIONS**

- A. Tract Size: Minimum developable tract size shall be ten (10) contiguous acres. Excluded from the determination of development tract size and the following:
  - 1. All land situated in the flood way portion of the 100 year floodplain
  - 2. All land situated in slopes over fifteen percent (15%).
- B. Density: The gross density of a cluster subdivision shall not exceed six (6) dwelling units per acre. Determination of the number of units allowable on a tract for cluster subdivision is as follows:

Gross acreage of parcel, minus the acreage in the floodway portion of The 100 year floodplain, minus acreage in slopes over fifteen percent (15%), times 6 units/acre, equals total number of dwelling units permitted.

- C. Types of Dwelling Units: Single-family detached, double dwellings, townhouses, and multiple family dwellings may be permitted in a cluster subdivision pursuant to the requirements of this article. All units proposed shall be for sale only.
- D. Permitted Lot Area Regulations: For cluster subdivisions single family detached may be reduced up to 50% from the minimum established in § 401 townhouse and multiple family dwelling lot size may be reduced to the area of the building unit. Double dwellings may be reduced up to 20% from the minimum established in §401.

E. Yard Dimensions

- 1. Minimum Yards for Single Family Detached and Double Dwellings:
 

Front:	25 ft.
Side:	0 ft.
Rear:	10 ft.

- 2. Townhouses and Multi-Family Dwellings: All townhouse units shall be a minimum of 20 ft. from driveways and parking lots.
- 3. The cluster subdivision shall have a setback of 50 feet from the site perimeter for all buildings.

- F. Buffer Areas Buffer areas shall be required along the exterior property lines of the proposed residential cluster development. Buffer shall consist of six feet or higher evergreen trees, shrubs, or solid wood fencing or as approved by the Board of Supervisors. See also § 511.

**604. SPECIAL HOUSING QUALIFICATIONS**

- A. Townhouse Groups Not more than eight townhouses shall be attached in a may be constructed in line.
- B. Spacing of Structures Minimum distances between structures shall be:
1. Single-family detached: Ten (10) feet.
  2. Double Dwelling: Twenty (20) feet.
  3. Townhouse: Forty (40) feet between buildings.
  4. Multifamily Dwelling: Forty (40) feet between buildings.

**605. GARAGES AND ACCESSORY BUILDINGS**

Single Family Detached Units may have detached accessory buildings or garages provided that a ten (10) foot separation is maintained from the principle structure and that the minimum front yard of § 603.E.1 is maintained.

**606. IMPERVIOUS COVERAGE**

The maximum permitted impervious coverage shall be thirty percent (30%) and shall apply to the entire development, rather than to individual lots.

**607. MAXIMUM BUILDING HEIGHT**

Thirty-five (35) feet.

**608. MISCELLANEOUS REGULATIONS**

- A. Utilities Both public sewer and water shall be provided
- B. Off-street Parking § 508
- C. Sign Regulations § 509
- D. Fence Regulations § 506
- E. Automobile Trailers and Mobile Homes Shall not be permitted in a Cluster Subdivision.

**609. OPEN SPACE REQUIREMENTS**

- A. Such areas specifically designed for open space shall be fully usable and suitable for that purpose and shall be set aside by deed restriction.
- B. Common open space may not only be dedicated to public use as approved by the Township Supervisors upon favorable recommendation by the Planning Commission. The Township Supervisors reserve the right to deny dedication of open space.

- C. Private Ownership. When common open space is not dedicated and accepted to public use, it shall be protected by legal arrangements, satisfactory to the Township, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall:
1. Obligate purchasers to participate in a homeowners association and to support maintenance of the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.
  2. Obligate such an association to maintain the open areas and private streets and utilities.
  3. Empower the Township, as well as other purchasers in the development, to enforce the covenants in the event of failure of compliance.
  4. Provide for an agreement that, if the Township is required to perform any maintenance work pursuant to the item above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such a cost has been paid; provided that the developer shall be responsible for the formation of the homeowners association of which the developer, or if the developer is not the owner of the development, then such owner, shall be a member until all of the lots of record are sold. Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Board of Supervisors. Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance which shall be evidenced by the recording in the Office of the Recorder of Deeds, of a perpetual maintenance of facilities as prescribed herein above and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.
  5. Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Board of Supervisors and any other specifications deemed necessary by the Board of Supervisors.

**ARTICLE VII**

**FLOODPLAIN MANAGEMENT**

**700. INTENT**

**A. Purpose** – The purpose of this section is to:

1. Promote the general health, welfare, and safety of the community.
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize danger to public health by protecting water supply and natural drainage.
4. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
5. Comply with federal and state floodplain management requirements.

**B. Compliance**

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this Ordinance and any other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

**C. Uniform Construction Code Coordination**

The standards and specifications contained in the Pennsylvania Uniform Construction Code, PA Act 45 of 1999 and 34 Pennsylvania Code Chapters 401-405 as from time to time reauthorized and amended, shall apply to activities regulated under this ordinance to the extent they are more restrictive and/or supplement the requirements of this Ordinance.

**D. Warning and Liability Disclaimer**

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur; flood heights may increase due to man-made or natural causes, such as ice jamming and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas or that land uses permitted within such areas will be free from flooding or flood damage. This Ordinance shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administration decision lawfully made there under.

**E. Conflict with other Ordinances**

The provisions in this ordinance supersede any other conflicting provisions which may be in effect in floodplain areas. However, any other ordinance provisions shall remain

in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions contained herein and between this ordinance and other ordinances, the more restrictive shall apply.

## **701. IDENTIFICATION OF FLOODPLAIN AREAS**

### **A. Identification**

The identified floodplain area shall be those areas of Hartley Township, which are subject to the one hundred (100) year flood elevation, as identified in the Flood Insurance Study (FIS) dated September 28, 2007 and the accompanying maps prepared for the Township by the United States Department of Housing and Urban Development and/or Federal Emergency Management Agency (FEMA), or the most recent revision thereof. Including all digital data developed as part of the Flood Insurance Study.

### **B. Description of Floodplain Areas/Districts**

The identified floodplain area shall consist of the following three specific areas/districts:

1. Flood way Area (FW)-For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude. The boundary of the flood way is as indicated on official flood maps or a FIS have defined the boundary of the 100 year frequency flood way, it is assumed, absent evidence to the contrary, that the flood way extends from the stream of fifty feet (50') from the top of the bank of a stream. The term shall also include flood way areas that have been identified in other available studies of sources of information for those floodplain areas where no flood way has been identified in the FIS.
2. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which one hundred (100) year flood elevations have been provided in the FIS.
3. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one hundred (100) year flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used

correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

### **C. Changes in Identification of Area**

The identified floodplain area may be revised or modified by the (Board of Supervisors) where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

## **702. GENERAL TECHNICAL PROVISIONS**

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to all new construction, development and substantial improvement occurring in all designated floodplains.

### **A. General Technical Requirements**

1. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in effect in Hartley Township.
2. Within any flood way area, no new construction or development, including the placement of fill, shall be permitted that would cause any increase in the one hundred (100) year flood elevation.
3. Within any A/E Area/District, no new construction or development, including the placement of fill, shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
4. Within any identified floodplain area, no new construction or development, including the placement of fill, shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office, and such complies with the restrictions and requirements and all other applicable codes and ordinances of Hartley Township.
5. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities that may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Pennsylvania Department of

Environmental Protection and the Union County Conservation District. In addition, the Federal Emergency Management Agency and the Governor's Center for Local Government Services, or its successor, within the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

### **703. TECHNICAL PROVISIONS FOR STRUCTURES IN FLOODPLAINS**

- A.** A structure, or use of a structure or premise, which lawfully existed in any designated Floodplain before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:
1. Existing structures and/or uses located in the Floodway can be expanded, and may be modified, altered, or repaired to incorporate flood proofing measures, provided that such measures do not increase the elevation of the 100-year flood.
  3. Any modification, alteration, reconstruction or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.
  4. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with all provisions applicable in this ordinance.
  5. The requirements of 34 PA Code Chapter 401-405, as amended and Appendices E and J and § 105.3 1.1 of the 2003 I RC or latest revision thereof shall also be utilized in conjunction with the provisions of this section.
  5. Any modification, alteration, reconstruction, or improvement of any kind to a structure that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance.

### **B. Elevation and Flood Proofing Requirements**

1. **Residential Structures.** Within any identified floodplain area, the elevation of the lowest floor (including basement or cellar) of any new construction or improvement of a residential structure shall be at least one and one-half (1-½) feet about the 100 year flood elevation. The design and construction standards and specifications contained in the 2009 IBC (§1612.4 and §1603.1.7), the 2009

IRC §310 and ASCE 24 (§2.4 and §2.5, Chapter 5) and 34 PA Code, Chapters 401-405 as amended shall be utilized.

## 2. Non-residential Structures

- a. Within any identified floodplain area, the lowest floor elevation (including basement or cellar) in any new construction or improvement of a non-residential structure shall be at least one and one-half (1-1/2) feet above the 100-year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
- b. Any non-residential structure, or part thereof, having a lowest floor (including basement or cellar) which is not elevated to at least one and one half(1-1/2) feet above the 100-year flood elevation, shall be flood proofed in a completely or essentially dry manner in accordance with the entitled "Flood-Proofing Regulations" published by the United States Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. A statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards shall accompany all plans and specifications for flood proofing.
- c. The design and construction standards and specifications contained in §1612.4 of the 2009 IBC and ASCE 24 (Secs 2.4 and Chap. 7) and PA Code, Chapters 401-405 as amended shall be utilized.

## 3. Space Below Lowest Floor

- a. Fully enclosed space below the lowest floor (including basement or cellar) is prohibited.
- b. Partially enclosed space below the lowest floor, which will be used solely for the parking of vehicles and building access in an area other than a basement or cellar, shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. The term "partially enclosed space" also includes crawl spaces.
- c. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  1. A minimum of two (2) openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space.



2. The bottom of all openings shall be no higher than one (1) foot above grade.
3. Openings may be equipped with screens, louvers, etc or other coverings of devices provided that they permit the automatic entry and exit of floodwaters.
4. Consideration shall be given to the requirements of 34 PA Code, Chapters 401-405, as amended and the 2009IRC (Chapter 3) and the 2009IBC ( §1612.4 and §1202.3)

### **C. Design and Construction Standards**

The following minimum standards shall apply to all construction and development proposed within any identified floodplain area.

1. Fill. If fill is used, it shall:
  - a. Extend laterally at least fifteen (15) feet beyond the building line from all points;
  - b. Consist of soil and rock materials only – Sanitary Landfills shall not be permitted;
  - c. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
  - d. Be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building/Zoning Permit Officer; and,
  - e. Be used to the extent to which it does not adversely affect adjacent properties.
  - f. The township may require a structure to be put on piers or pilings instead of permitting fill or may require compensatory flood storage capacity equal to the volume displaced by the placement of fill.
2. Placement of Buildings and Structures. All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
3. Special Requirements for Manufactured Homes. For the purposes of this Ordinance, the term manufactured home shall also include park trailers, travel trailers, recreational vehicles, and other similar types of manufactured homes that are placed on a site for more than 180 consecutive days.

- a. Within any floodway area all manufactured homes shall be prohibited.
  - b. Where permitted within any identified floodplain area, all manufactured homes and any improvements shall be:
    1. Prohibited within the area measured one hundred (100) feet landward from the top-of-bank of any watercourse.
    2. Placed on a permanent foundation;
    3. Elevated so that the lowest floor of the mobile home is one and one half (1-1/2) feet above the elevation of the 100-year flood; and
    4. Anchored to resist flotation, collapse, or lateral movement.
    5. Installation of Manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2003 International Residential Code Or the United States Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or Latest revision thereto shall apply and 34 Pennsylvania Code Chapter 401-405.
    6. Consideration shall be given to the installation requirements of the 2009 IRC Appendix G, Chapter 3 and Appendix AE 101) or the most recent revisions thereto and 34 PA Code Chapter 401-405, as amended where appropriate and/or applicable to Units where the manufacturer's standards for anchoring cannot be provided or were not established for the unit(s) proposed for installation.
4. Anchoring
- a. All buildings and structures, including mobile homes, shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
  - c. The design and construction requirements of the UCC pertaining to this subsection as referred in 34 PA Code Chapters 401-405, as amended and contained in the 2009 IBC (§1605.2.2, §1605.3.1.2, § 1612.4), the 2009 IRC (Chapter 3) and ASCE 24-98 (§5.6) shall be utilized.

5. Floors, Walls and Ceilings. Where a structure is located at or below the 100-year flood elevation, the following standards apply;
  - a. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
  - b. Plywood and interior finished walls shall be of any “exterior” or “marine” grade and of a “water-resistant” variety.
  - c. Walls and ceilings shall be designed and constructed of materials that are “water resistant” and will withstand inundation.
  - d. Windows, doors, and other components shall be made of metal or other “water resistant” materials
  - e. The provisions of the UCC pertaining to this sub-section and referenced in the 34 PA Code Chapters 401-405, as amended and contained in the 2009 IBC (§801.5, §1403.5), the 2009 (Chapter 3) and ASCE 24-98 (Chapter 6).
6. Paints and Adhesives. Where a structure is located at or below the 100-year flood elevation, the following standards apply:
  - a. Paints or other finishes shall be of a “marine” or “water resistant” quality.
  - b. Adhesives shall be of a “marine” or “water resistant” variety.
  - c. All wooden components (doors, trim, cabinets, etc.) shall be finished with a “marine” or “water resistant” paint or other finishing material.
  - d. The standards and specifications contained I 34 PA Code, Chapters 401-405, as amended §801.5 and §1403.5 of the 2009IBC and Chapter 3of the 2009IRC shall be adhered to the extent they are more restrictive.
7. Electrical Components.
  - a. Electrical distribution panels shall be at least three (3) feet above the 100-year flood elevation.
  - b. Separate electrical circuits shall serve lower levels and shall be dropped from above.
  - c. The provisions pertaining to the above and referenced in the UCC and 34 PA Code Chapters 401-405, as amended and contained in the 2009IBC (§1612.4), The 2009IRC (Chapter 3) the 2000 IFGC (§R301.5 and §R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

8. Equipment. Water heaters, furnaces, air conditioning, and ventilating units, and other electrical, mechanical or utility equipment of apparatus shall not be located below the 100-year flood elevation. The provisions referenced in the UCC and 34 PA Code Chapters 401-405, as amended and contained in the 2009IBC (§1612.4), the 2009IRC (Chapter 3) the 2000 IFGC (§R301.5 and §R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.
9. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
10. Water and Sanitary Sewer Facilities and Systems.
  - a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
  - b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
  - c. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
  - d. The design and construction provisions of the UCC and 34 PA Code Chapter 401-405, as amended and contained in the 2009IBC (Appendix G), the 2009IRC (Chapter 3), the ASCE 24-98 (§8.3) and FEMA #348, Protecting Building Utilities from Flood Damages shall be utilized.
11. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
12. Drainage Facilities. Storm drainage facilities shall be designed to convey flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
13. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the one hundred year flood elevation.

14. Storage. All materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal, or plant life, and not listed in §705, shall be stored at an elevation of one and one half (1 ½) feet above the 100-year flood elevation and/or flood proofed to the maximum extent possible.

#### **704. SPECIAL PROVISIONS FOR ACCESSORY STRUCTURES**

- A. Accessory structures to a principal building which are proposed to be built in the identified Floodplain area need not be elevated or flood proofed to remain dry, but shall comply, at a minimum, with the following requirements.
  1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
  2. The floor area shall not exceed 600 square feet.
  3. The structure shall have a low damage potential.
  4. The structure shall be located on the site so as to cause the least obstruction to the flow of flood waters.
  5. Power lines, wiring, and outlets shall be at least one and one half (1 ½) feet above the 100-year flood elevation.
  6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
  7. Sanitary facilities shall be prohibited.
  8. The structure shall be adequately anchored to prevent flotation or movements and shall be designed to automatically provide for the entry and exit of flood water for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
    - b. The bottom of all openings shall be no higher than one (1) foot above grade.
    - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided they permit the automatic entry and exit of flood waters.

- B. Individuals should be aware that building a structure as described above could significantly increase the cost of the flood insurance for the accessory structure and its contents.

**705. DEVELOPMENTS THAT MAY ENDANGER HUMAN LIFE**

- A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, the commencement of any of the following activities, or the construction, enlargement or expansion of any structure used, or intended to be used for any of the following activities shall be prohibited in any identified floodplain area (100-year Floodplain).
1. Facilities involved with the production, storage, or use of any amount of radioactive substances.
  2. Landfills and solid waste storage, processing and disposal facilities (does not include municipal recycling centers)
  3. Nursing homes, orphanages, group home for the mentally and physically handicapped and day care centers.
  4. Jails, prisons and other penal institutions
  5. Schools and universities
  6. Facilities involved in the production or storage of any of the following dangerous materials or substances:
    - a. Acetone
    - b. Ammonia
    - c. Benzene
    - d. Calcium carbide
    - e. Carbon disulfide
    - f. Celluloid
    - g. Chlorine
    - h. Hydrochloric acid
    - i. Hydrocyanic acid

- j. Magnesium
  - k. Nitric acid and oxides of nitrogen
  - l. Petroleum products
  - m. Phosphorus
  - n. Potassium
  - o. Sodium
  - p. Sulfur and sulfur products
  - q. Pesticides (including insecticides, fungicides, and rodenticides)
  - r. Radioactive substances, insofar such substances are not otherwise regulated.
  - s. Infectious biological agents
  - t. Explosives
  - u. Toxic wastes
- 7. Any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the dangerous materials or substances listed in §705.A.6 above on the premises.
  - 8. New manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
  - 9. Critical community facilities such as fire, police and ambulance stations, hospitals, health clinics, communication centers, and emergency shelters
  - 10. Libraries, museums and municipal buildings
  - 11. Power generation facilities.
  - 12. Hospitals
- B. Where a facility as described in §705.A above lawfully existed prior to the enactment of these Ordinance provisions such facility can expand in the identified floodplain area in accordance with this Ordinance provided that any new construction shall:

1. Not be a substantial improvement as defined in this Ordinance.
  2. Be elevated or designed and constructed to remain completely dry up to at least one and one-half (1-1/2) feet above the 100-year flood elevation; and
  3. Be designed to prevent pollution from the structure or activity during the course of a 100 year flood. Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood proofing contained in the publication "Flood-Proofing Regulations" (United States Army Corps of Engineers, June 1972, as amended March 1992) or with some other equivalent water tight standard.
- C. All applications under this section shall include the following:
1. Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations;
  2. Elevation of the lowest floor (including basement), and as required, the elevation of any other floor;
  3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood;
  4. Detailed information concerning proposed flood proofing measures;
  5. Cross section drawings for all proposed streets, drives and vehicular access ways, including existing and proposed grades;
  6. Plans and profiles of sanitary storm sewer systems, water supply systems, and any other utilities and facilities;
  7. Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood;
  8. A statement, certified by a registered professional engineer, architect, or landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of the 100-year flood, including a statement concerning the effects of such pollution may have on human life and the environment;
  9. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the



effects the proposed development will have on the 100-year flood elevations and flows;

10. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist to be located on the site below the 100-year flood elevations and flows; and
  11. An evacuation plan that fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.
- D. Professional engineers or others of demonstrated qualifications and competency shall undertake all hydrologic and hydraulic analysis and shall certify that the technical methods used correctly reflect accepted technical concepts. Studies, analysis, computations, etc. shall be submitted insufficient detail to allow a thorough review by the Township and the Pennsylvania Department of Community and Economic Development (DCED).
- E. Within five (5) working days following receipt of said application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendation. Copies of the application shall also be forwarded to the Township Planning Commission, Township Board of Supervisors and the Township Engineer for review and comment.
- F. No application made hereunder shall be approved unless it can be determined that the structure or activity will be located, constructed, and maintained in a manner that will:
1. Fully protect the health and safety of the general public and any occupants of the structure;
  2. Be able to survive inundation by waters of the 100-year flood without lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100-year flood elevation;
  3. Have the lowest floor (including basement) elevation will be at least one and one half (1 ½) feet above the 100 year flood elevation;
  4. Permit the occupants of the structure to remain inside for an indefinite period of time and be safely evacuated at any time during the 100-year flood.
  5. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

- G. In addition the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purpose of this Ordinance and to protect the general health, safety and welfare of the public.
- H. If the Township approves such an application, it shall file written notification, together with the application and all pertinent information, with DCED, by registered or certified mail, within five (5) working days after the date of approval.
- I. Before issuing any approvals or permits hereunder, the Township shall allow DCED thirty (30) days, after receipt of the notification by DCED, to review the application and decision made by the township. If the township does not receive any communication by DCED during the thirty (30) day review period, it may proceed to issue permits to the applicant.
- J. DCED retains the right to disapprove any such application and in so doing DCED shall notify the township in writing of the reasons for the disapproval and the Township shall not issue any permits for the application.
- K. Except for modifications of the freeboard requirements involved, no variance shall be granted for any other requirements of this section.

#### **706. SPECIAL REQUIREMENTS FOR CAMPGROUNDS**

- A. Campgrounds uses shall be prohibited in the floodway.
- B. Campgrounds are permitted in the identified floodplain area long as all Structures are located no closer than one hundred (100) feet landward or the top bank of any watercourse.
- C. Wherever such uses are located in the identified floodplain area the Campground owner shall ultimately be responsible for evacuation of all units within the Campground prior to the occurrence of an anticipated flood.
- D. The campground owner/developer shall submit with the application and keep on file with the Township and the County Emergency Services Department, a Flood Evacuation Plan that included the following:
  - 1. Narrative description of the manner in which the site will be safely evacuated upon public announcement of a possible flood event by the National Weather Service or Federal, State, or local emergency management agencies;
  - 2. Sufficient evidence that all recreational vehicles, campers, travel trailers, portable comfort stations and all occupants will be removed from the identified Floodplain, and known flood prone areas prior to the occurrence of a flood;

3. The designation of an appropriate site to store each unit during the flood emergency. The designated site shall not be in the identified floodplain area, or known flood prone area. If the campground owner does not own the site, a formal legal agreement to use the lands of others shall be executed and provided to the township.
4. The name, address, telephone number(s), of the campground owner, individuals designated to remove each unit during a flood emergency and other responsible parties, such as management and maintenance personnel.
5. Evidence that the campground rules and regulations require recreation vehicles, campers, travel trailers and similar vehicles to maintain current vehicle registration, by properly maintained and fully operational, and to be transportable and not permanently affixed to the ground.
6. A signed statement by the owner acknowledging that his/her failure to comply with the terms and conditions of the flood evacuation plan and failure to properly evacuate the premise during a flood event could result in the Township revoking any and all approvals for the campground and prohibiting the re-commencement of such use after the flood event.

## **707. ADMINISTRATION**

### **A. Building and Zoning Permit Requirements.**

To insure that the flood damage controls required herein are being employed in all new construction, development, and substantial improvement within any designated Floodplain area, including use of fill, the applicant or developer shall obtain a Zoning and Building Permit prior to the commencement of any such activity. Any proposed construction of development located entirely or partially within any identified Floodplain area shall provide the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided so as to reduce exposure to flood hazards.

### **B. Application Procedures and Requirements**

The Zoning Officer shall require the following specific information, plus other pertinent information as may be required, to be included as part of an application for a Zoning Permit in order to make the above determination.

1. A completed Zoning Permit application form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:
  - a. North arrow, scale and date;
  - b. Topographic contour lines, if available;
  - c. All property and lot lines including dimensions, and size of the site expressed in acres or square feet;
  - d. The location of all existing or proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision or land development;
  - e. The location of all existing streets, drives or other access ways; and
  - f. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the flood way and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
  - a. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum referenced in the most recent FIS;
  - b. The elevation of the 100-year flood;
  - c. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood; and
  - d. Detailed information concerning any proposed flood proofing measures.
  - e. Supplemental information as may be necessary under 34 PA Code, Chapter 401-105 as amended, and §1612.5.1, §104.7 and §109.3.3 of the 2009IBC and §R109.3 and §104.7 of the 2009IRC.
4. The following data and documentation as applicable:

- a. A document certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the 100-year flood. Such statement shall include a description of the type and extent of flood proofing measures that have been incorporated into the design of the structure and/or the development.
- b. Detailed information needed to determine compliance with §703.C.14, *Storage* and §705, *Development Which May Endanger Human Life*, including:
  1. The amount, location, and purpose of any materials or substances referred to in §703.C.14 and § 705 which are intended to be used, produced, stored or otherwise maintained on site.
  2. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 705 during a 100-year flood.
- c. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".
- d. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

C. Review by County Conservation District

A copy of all plans for proposed development in any identified floodplain area shall be submitted by the Zoning Officer to the County Conservation District for review and comment at least fourteen (14) days prior to the issuance of a Zoning Permit. The recommendations of the County Conservation District may be incorporated into the plan to provide for protection against predictable hazards. If no comments are received within the fourteen (14) days, the Zoning Officer may take action on the permit.

D. Review of Applications by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain are to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g., planning commissions, municipal engineer, etc.) for review and comment.

E. Issuance of Permits

Prior to the issuance of any Building/Zoning Permits, the Zoning Officer and Building Permit Officer shall review the application to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); Pennsylvania Dam Safety and Encroachment Act (Act 1978-325 as amended); Pennsylvania Clean Streams Act (Act 1937-394, as amended); the United States Clean Water Act, § 404, 33, U.S.C. 1344. No building or zoning permit shall be issued until this determination has been made.

#### **708. VARIANCES IN FLOODPLAIN DISTRICTS**

In passing upon applications for a variance within any identified floodplain area, the Zoning Hearing Board shall consider all factors specified in other Sections of this Ordinance, state law relative to variances, and the following:

- A. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places provided that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. Variances may not be granted for any construction, development, use or activity within any flood way area that would result in any increase in flood levels during the 100-year flood.
- C. Except for a possible modification of the one and one half (1 1/2) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to §705, *Development Which May Endanger Human Life*.
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the township shall attach whatever reasonable conditions and safeguards it considers necessary to protect the public health, safety and welfare, and to achieve the objectives of this Ordinance.
- F. Whenever a variance is granted, the township shall notify the applicant in writing that:
  1. The granting of the variance may result in increased premium rates for flood insurance.

2. Such variances may increase the risks to life and property.
- G. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
1. That there is good and sufficient cause;
  2. That failure to grant the variance would result in exceptional hardship to the applicant; and
  3. The granting of the variance will:
    - a. Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;
    - b. Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances or regulations.
- H. The township shall maintain a complete record of all variance requests and related actions. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administrator.
- I. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.
- J. No variance shall be granted for any construction, development, use or activity within any A/E area that would, together, with all other existing and anticipated development, increase the 100 year flood elevation more than one foot at any point.

#### **709. SPECIAL EXCEPTIONS IN FLOODPLAIN DISTRICTS**

In passing upon applications for Special Exceptions within any identified floodplain area, the Zoning Hearing Board shall consider all factors specified in other Sections of this Ordinance and the following:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. In the flood way, no special exception shall be granted.
- B. The danger that materials may be swept onto other lands or downstream causing injury to others;

- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- E. The importance of the services provided by the facility to the community;
- F. The requirements of the facility for a waterfront location;
- G. The availability of alternate locations not subject to flooding for the proposed use;
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- I. The safety of access to the property in times of flooding by ordinary and emergency vehicles;
- J. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
- K. Such other factors which are relevant to the purposes of this Ordinance.



**ARTICLE VIII****ADMINISTRATION AND ENFORCEMENT****800. GENERAL**

For the purposes of administering and enforcing this Ordinance, a Zoning Officer shall be appointed and the Zoning Hearing Board consisting of five (5) members shall be established. An alternate hearing board member shall be appointed in accord with § 903.(b) and 906.(b) of Act 170. The Supervisors shall appoint persons to these positions in consideration of capability and willingness to serve the Township and in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 170, of 1988, as amended, and this Ordinance. The appointment of a Zoning Officer is generally governed by § 614 of Act 170. The establishment of a zoning hearing board is generally governed by § 901, 903, 906, and 907 of Act 170.

**801. GENERAL PROCEDURE: ZONING PERMIT REQUIRED**

Persons desiring to construct, alter, or change the use of any structure or lot shall apply to the Zoning Officer for a Zoning Permit by filing the appropriate form and by submitting the required fee. The Zoning Officer will then either issue or refuse the permit or refer the application to the Zoning Hearing Board. After the Zoning Permit has been issued to the applicant, he may proceed to undertake the action allowed by the permit. Upon completion of such action, the applicant shall apply to the Zoning Officer for an Occupancy Permit, if applicable. If the Zoning Officer finds that the action of the applicant has been in accordance with the permit and the provisions of this Ordinance and other applicable laws and regulations, the Zoning Officer may then issue an Occupancy Permit allowing the premises to be occupied and used.

**802. DEVELOPMENT PERMITS AND CERTIFICATES**

- A.** Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:
1. Permitted Use: Issued by the Zoning Officer on the authority granted herein;
  2. Special Exception Use: Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board;
  3. Conditional Use: Issued by the Zoning Officer after review by the Planning Commission and upon the order of the Supervisors;

4. Permit on Appeal or Variance: Issued by the Zoning Officer following review and hearing by the Zoning Hearing Board.
- B. Zoning permits shall be issued in duplicate and one (1) copy shall be retained by the applicant. No person shall perform building operations of any kind unless a permit placard issued by the Zoning Officer is displayed conspicuously on the premises. The Zoning officer or Board may revoke a Zoning Permit at any time if it appears that the application is in any way false or misleading, or that work being done upon the premise differs from that specified in the application.
- C. An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently pursued or a permit shall have been issued. Reasonable extensions of time not exceeding ninety (90) days may be granted at the discretion of the Zoning Officer.
- D. Expiration of Permit: If the work approved by issuance of any Zoning Permit has not been completed within two (2) years from the date of issuance, said permit shall expire. Further work on the premises shall not continue until a new Zoning Permit has been obtained.
- E. Occupancy Permits. Prior to the use or occupancy of any land or building for which a Zoning Permit is required or to any change of use of any existing structure of land, an occupancy permit shall be secured from the Zoning Officer. A copy of the Occupancy Permit shall be kept on the premises and shall be shown to any officer of the Township upon request. All applications for Occupancy Permits shall be in writing.

### **803. POWERS AND DUTIES OF THE ZONING OFFICER**

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction of any use or change of use which does not conform to the provisions herein. He shall have such duties and powers as are conferred on him by this Ordinance and as reasonably implied for those purposes. In addition, the Zoning Officer shall:

- A. Receive application for, evaluate, and issue Zoning Permits for uses and structures proposed within the terms of this Ordinance;
- B. Keep and maintain a permanent and public record and file of all activities undertaken by him in the performance of his official duties: Including file copies of all applications received, permits issued, placards distributed, inspections and reports made in connection with any structure, dwelling, sign or land;

- C. Make site visits and inspections as are necessary to perform his duties as any reasonable hour;
- D. Issue permits for uses by approved variance, special exception or conditional use on order by the appropriate body;
- E. Be responsible for maintaining a true and correct copy of this Ordinance and the Official Zoning Map with respect to any amendments thereto;
- F. Issue certificates of occupancy in accordance with the provisions herein; and
- G. Identify and register nonconforming premises in accord with § 501.D.

#### **804. TEMPORARY USE PERMITS**

It is recognized that from time to time it may contribute to the welfare of the Township and its residents to allow the occupancy of land or structure for a temporary time period by a use other than those normally permitted. In this case, the Zoning Officer may approve such a Temporary use, and issue a Temporary Use Permit for the time period not to exceed six (6) months, and under the conditions that will enhance the public health, safety and welfare. One extension, not to exceed six (6) months, can be issued at the discretion of the Zoning Officer.

- A. The Zoning Officer shall issue temporary permits for uses in the Business Development District from December 18, 2006, through June 18, 2007, provided that all of the following requirements are met:
  - 1. An application for a Temporary Permit is submitted by the Applicant for each use which describes the proposed use in sufficient detail to allow the Zoning Officer to determine that the Proposed Use is the type of use allowed in the existing Resort District or in the pending Business Development District amendment proposed for consideration by the Board of Supervisors at their meeting on December 18, 2006 as a use allowed either as a permitted use, as special exception, or as a conditional use. Each application shall be submitted with:
    - a. A completed application form describing the use;
    - b. Plans which identify the specific building, or portion thereof, where the use will be located;
    - c. An application fee of \$500 for each application and use.
  - 2. Such uses shall only be permitted to be located in existing buildings, and temporary permits shall not be available for new buildings.

3. The Temporary Permit shall be for a period of 12 months from the date of issuance, shall expire automatically 12 months after issuance and all uses under such Temporary Permit shall cease upon expiration unless replaced by a permanent approval. Any Temporary Permit may only be replaced by a permanent approval to the granted only after the Applicant submits and obtains approval of applications for the use as a permitted, use, special exception or conditional use, as appropriate.
4. The granting of a Temporary Permit shall not replace or waive compliance with any other state or county requirements, or the provisions of any other Township Ordinance except for the Zoning Ordinance.

#### **805. ENFORCEMENT NOTICE**

If it appears to the municipality that a violation of the zoning ordinance has occurred, the municipality shall institute enforcement proceedings by sending an enforcement notice stating at least the following:

- A. The name of the owner of record and any other person against whom the municipality intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

#### **806. DUTIES AND POWERS OF THE ZONING HEARING BOARD**

The Zoning Hearing Board shall be responsible for the interpretation of this Ordinance and shall adopt and make available to the public rules for the exercise of its functions.

The Zoning Hearing Board shall hear and decide appeals where it is alleged that an error has been made in the administration or enforcement of this Ordinance, and shall hear and decide requests for special exceptions and variances. The Zoning Hearing Board shall perform such other duties as may be provided for or made necessary by the Code of this Ordinance, including the holding of public hearings, the referral of any pertinent matter to the Planning Commission for review and recommendations, and the maintenance of records on all hearings, decisions and findings. The Zoning Hearing Board jurisdiction is detailed in Act 170, of 1988 in § 909.1.

### **807. VARIANCES**

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may grant a variance provided that all the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- C. That such unnecessary hardship has been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as may seem necessary to implement the purposes of this Ordinance.

**808. SPECIAL EXCEPTIONS**

The Zoning Hearing Board shall hear and decide Special Exceptions as may be provided in this Ordinance. The granting of a special exception shall be made when the Zoning Hearing Board makes a finding that the express standards and criteria and other applicable requirements of this Ordinance have been met. In addition to the standards and criteria specified in Articles IV, V, and VI the following criteria shall apply where applicable.

- A. Adequate and safe entrance and exit to and from the premises shall be provided with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and the access in case of fire or emergency;
- B. Adequate and safe off-street parking and loading shall be provided;
- C. Refuse and service areas shall be provided;
- D. Appropriate screening and buffering from residential, municipal or quasi-public uses is required;
- E. Noise, glare, odor, electrical disturbance, and other forms of nuisance which may affect the health and safety of residents or workers on adjacent properties shall be mitigated;
- F. General compatibility shall be met with adjacent uses and properties with respect to bulk, scale and traffic generation;
- G. Such uses shall not conflict with the direction of building development in accordance with the Township's Comprehensive Plan;
- H. The Zoning Hearing Board may reserve the right to modify or add conditions or safeguards as it deems necessary to prevent the Special Exception Use from being a nuisance.

**809. APPEALS**

Appeals with respect to the provisions, administration, or enforcement of this Ordinance shall be governed by Articles IX and X-A of Act 170 of 1988, as amended and as follows:

- A.** The Zoning Hearing Board shall hear appeals from the determination of the Zoning officer, including, but not limited to, the granting or denial of any permit or failure to act on the application therefore, the issuance of any cease and desist order of the registration or refusal to register any nonconforming use, structure or lot.
- B.** Appeals may be filed with the zoning hearing board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Requests for a variance and for special exception may be filed with the board by any landowner or any tenant with the permission of such landowner.
- C.** All appeals from determination adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.
- D.** Upon filing of any proceeding and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the zoning officer or of any agency or body, and all official action there under, shall be stayed unless the zoning officer or any other appropriate agency or body certifies to the zoning hearing board facts indicating that such stay would imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the zoning hearing board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body.
- E.** All appeals from all land use decisions rendered pursuant to Article IX of Act 170 of 1988 as amended shall be taken to the court of common pleas of the judicial district wherein the land is located and shall be filed within 30 days after entry of the decision as provided in 42 PA C.S. 5572 (relating to time of entry of order) or in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in § 909 (1) of Act 170.
- F.** Information required on petition to the Zoning Hearing Board: All appeals from a decision of the Zoning Officer and applications for variance or special exception to the Zoning Hearing Board shall be in the form prescribed by the Zoning Hearing Board. Every appeal or application shall include the following:

  - 1. The name and address of the applicant or appellant;
  - 2. The name and address of the owner of the lot to be affected by the proposal;
  - 3. A brief description and location of the lot to be affected;
  - 4. A statement of the present zoning, improvements and present use of the lot or structure in question;

5. A statement of the provision of this Ordinance at question, and why the proposal should be granted, or of the error alleged and the relief being sought;
6. A reasonably accurate description of the present improvements and the additions or changes intended and a plot plan of the property affected.

#### **810. HEARINGS**

The zoning hearing board shall conduct hearings in accordance with § 908, of Act 170 of 1988, as amended.

- A. Public notice shall be given and written notice shall be given to the applicant, the zoning officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. See definition of Public Notice in Article II.
- B. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- C. The zoning hearing board shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Boards.
- D. The zoning hearing board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board.
- E. Where the zoning hearing board fails to render the decision within the period required or fails to hold the required hearing within 60 days from the days of the applicant's request for a hearing, the decisions 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.
- F. 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.

#### **811. CONDITIONAL USES**



- A. The Board of Supervisors shall hear and decide upon applications for conditional uses specified by the Ordinance. A decision on a Conditional Use shall be made only after review and recommendation by the Planning Commission presented as a public hearing pursuant to public notice;
- B. Said hearing shall be scheduled within a reasonable time, but no sooner than forty-five (45) days following referral of the application to the Planning Commission for review;
- C. The decision of the Supervisors shall be made and notice thereof given to the applicant within thirty (30) days of the conclusion of the hearing thereon. The conditional use shall meet the provisions and requirements of the subdivision and land development ordinance in effect and other applicable requirements of this Ordinance.

Further, the following concerns shall apply where applicable:

1. Ingress and egress to and from the premises with particular reference to vehicular and pedestrians safety and convenience, traffic flow and control, and the access in case of fire or emergency;
  2. Off-street parking and loading;
  3. Refuse and service areas;
  4. Appropriate screening and buffering from residential, municipal or quasi-public uses;
  5. Mitigation of noise, glare, odor, electrical disturbance, and other forms of nuisance which may affect the health and safety of residents or workers on adjacent properties;
  6. General compatibility with adjacent uses and properties with respect to bulk, scale and traffic generation.
  7. Such uses shall not conflict with the direction of building development in accordance with the Township's Comprehensive Plan;
  8. The Board of Supervisors may reserve the right to modify or add Conditions or safeguards as it deems necessary to prevent the Conditional Use from being a nuisance.
- D. Should the applicant fail to obtain the necessary permits within six (6) months, or having obtained the permits, should he (she) fail to commence work thereunder within six (6) months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned this application, and all provisions, conditional uses, and permits granted shall be deemed to be rescinded.
  - E. Permits for Uses Not Provided For: The Board of Supervisors may grant a Conditional Use for any uses which are not otherwise allowed either as permitted

uses, special exception uses or conditional uses by the Zoning Ordinance, provided that the following requirements are met:

1. The property must be located in the Commercial (C) District.
2. The property must have a minimum area of not less than ten (10) acres.
3. The proposed use shall not have any detrimental adverse impact on the Township or neighboring properties; or if any impacts may result, the Applicant shall provide means by which such impacts are mitigated.

## **812. AMENDMENTS**

The Supervisors may consider amendments to the provisions herein or the boundaries of the official Zoning Map. In the case of an amendment prepared by other than the Planning Commission, the Supervisors shall submit each amendment to the Planning Commission at least thirty (30) days prior to the hearing on such amendment for recommendations. If after public hearing the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Supervisors shall hold another public hearing prior to proceeding to vote on a proposed amendment. In addition, a copy of the proposed amendment shall also be provided to the County Planning Commission for its review and comment at least thirty (30) days prior to hearing on the amendment.

- A. Public Hearing.** Before voting on the enactment of an amendment, the governing body shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
- B. Landowners Curative Amendment.** A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof, which prohibits or restricts the use of development of land in which he has an interest may submit a curative amendment be heard and decided as provided in § 609.1 of Act 170 of 1988, as amended.
- C. Municipal Curative Amendment.** If a municipality determines that its Zoning Ordinance or any portion thereof is substantially invalid, it shall prepare a curative amendment to overcome such invalidity in accordance with § 609.2 of Act 170 of 1988, as amended.

## **813. VIOLATIONS, JURISDICTION, AND ENFORCEMENT REMEDIES**

- A.** In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of

any ordinance enacted under this act or prior enabling laws, the governing body, or with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant or real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

- B. District justices shall have initial jurisdiction over proceeding brought under § 712.C. of the [Municipalities Code, MPC]
- C. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. 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 municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the 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 Zoning Ordinances shall be paid over to the municipality whose ordinance has been violated.

#### **814. FILING FEES**

Filing fees shall be payable to the Municipality and shall be received by the zoning officer. Filing fee amounts shall be established by a resolution of the Township Board of Supervisors.