

TOWNSHIP OF SHENANGO

ZONING ORDINANCE

TABLE OF CONTENTS

ARTICLE I	ARTICLE TITLE	
Section ###	Section Title	Page ###
Section ###	Section Title	Page ###

TOWNSHIP OF SHENANGO

ZONING ORDINANCE

ORDINANCE NO. _ of 2021

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 1 of 2001, ENTITLED “SHENANGO TOWNSHIP ZONING ORDINANCE” adopted _____, _____ and amended _____, _____, to define terms used in the Ordinance; to regulate the location and use of structures and land for residences, business, industry and other purposes; to regulate the height of structures, the percentage of lot covered by structures, the size of lots, the size of yards and other open spaces; to specify standards and criteria for conditional uses and uses by special exception; to establish requirements for off-street parking and loading, signage, landscaping and other lot improvements; to establish standards for Planned Residential Development; to regulate nonconforming uses, structures and lots; to establish provisions for the administration and enforcement of the Ordinance; to prescribe powers and duties of the Zoning Hearing Board; and to establish procedures for amending the Ordinance.

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Shenango, Lawrence County, Pennsylvania, as follows:

ARTICLE I

BASIC PROVISIONS

SECTION 100 TITLE

The official title of this Ordinance is “_____.”

SECTION 101 EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Board of Supervisors.

SECTION 102 AUTHORITY

This Ordinance is adopted by virtue of the authority granted to the Township by the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended (P.S. 10101 et. seq., as may be amended from time to time).

SECTION 103 INTERPRETATION

In the event of conflicts between the provisions of this Ordinance and any other ordinance or regulation, the more restrictive provisions shall apply.

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.

In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the property owner and against any implied extension of the restriction.

SECTION 104 COMMUNITY DEVELOPMENT OBJECTIVES

Community Development Objectives are set forth in the Shenango Township 2001 Land Use Plan Element Update adopted by the Board of Supervisors in 2001. In addition to the specific objectives stated in the 2001 Land Use Plan Element Update, the general community development objectives on which this Ordinance is based are:

- A. To promote the interest of public health, safety, morals and the general welfare;
- B. To secure safety from fire and to provide adequate open spaces for light and air;
- C. To conserve and stabilize property values;
- D. To preserve woodlands, open space, recreational, agricultural and environmentally sensitive lands from conflict with urban development;
- E. To facilitate the economic provision of adequate transportation, water, sewage, schools, parks and other public requirements;
- F. To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers;
- G. To promote stormwater management, soil and water conservation;
- H. To set forth population density controls;
- I. To promote coordinated and practical community development; and
- J. To promote the utilization of renewable energy sources.

SECTION 105 COMPLIANCE

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall any structure or land be used or designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

SECTION 106 SEVERABILITY

If any of the provisions of this Ordinance or the application of any provision to particular circumstances is held to be invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

ARTICLE II

DEFINITIONS

SECTION 200 GENERAL INTERPRETATIONS

All words used in this Ordinance shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive; the word "may" is permissive. The words "used" or "occupied," as applied to any land or structures, shall be construed to include the words "intended, arranged or designed to be used or occupied." The word "person" shall include the individual, corporation, partnership, incorporated association or any other entity. Words in the masculine gender shall include the feminine gender. The words "includes" and "including" shall not limit the defined term to the specific examples, but are intended to extend the terms meaning to other instances of like kind and character.

SECTION 201 PARTICULAR MEANINGS

The following words and phrases shall have the particular meaning specified in the purpose of interpreting this Ordinance:

ACCESS: A means of providing vehicular or pedestrian entrance to a property.

ACCESSORY USE OR STRUCTURE: A use or structure, located on the same lot with the principal use or structure, that is subordinate and incidental to the principal structure or use of the property and which may occupy a separate structure and/or area on or in the ground, including, but not limited to storage sheds, garages, swimming pools, decks, fences, patios and similar structures.

ACCESSORY AGRICULTURAL BUILDING: An accessory structure that is customarily incidental to the permitted agricultural use or principal building, including but not limited to, livestock barns, grain silos, and tool sheds. This land use classification excludes "commercial stables."

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

ADAPTIVE REUSE: Applies to structures not initially designed for permanent residential use and former public, semipublic, and other large buildings (including schools, churches, armories,

and other civic structures) which lie within any zoning district within the Township with the express purpose of encouraging the adaptive and flexible reuse of such buildings.

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

ADULT ARCADE: Any place where the public is permitted or invited wherein coin-operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas, as defined herein.

ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE: An establishment having a substantial or significant portion of its stock in trade, including but not limited to, video cassettes, movies, books, magazine and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual conduct or nudity, as defined by this Ordinance, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT BUSINESS: An adult arcade, adult bookstore, adult live theater, adult mini-motion picture theater, adult motion picture theater, adult motel or a nightclub featuring adult entertainment, as defined herein.

ADULT CABARET: A nightclub, bar, restaurant, or other commercial establishment which regularly features:

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

ADULT ENTERTAINMENT: Movies which are rated “X” by the Motion Picture Coding Association, videos, still or motion pictures, photographs, slides, films or other visual representations, books, magazines or other printed material or live dramatic, musical or dance performances which are sexually explicit or depict nudity or sexual conduct, as defined herein.

ADULT LIVE THEATER: Any commercial establishment which features live shows for public viewing in which all, or some, of the performers are displaying nudity or engaging in sexual conduct, as defined herein.

ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity for accommodating less than fifty (50) persons used for presenting material distinguished or

characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity for accommodating fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

ADULT MOTEL: A hotel or motel presenting adult motion pictures by means of closed circuit television, the material being presented having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

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

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

AGRICULTURAL OPERATIONS, ACCESSORY: The non-commercial production of crops, livestock, livestock products, or commodities that is an accessory use to a permitted residential dwelling. The keeping of livestock for commercial purposes or animal production shall be considered an agricultural operation. See also "Stable, Private" and "Stable, Commercial."

AGRICULTURE: The science and art of farming, the work of cultivating the soil, producing crops and livestock.

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

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

AISLE: A paved area of a minimum width specified by this Ordinance that provides direct access to one (1) or two (2) rows of parking spaces and connects those parking spaces with the driveways that provide circulation through a parking area.

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

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

AMBIENT NOISE LEVEL: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environment noise at a given location without extreme atmospheric conditions such as wind greater than three (3) meters per second or precipitation and than adjusting the noise level to eliminate any noise associated with existing developments or facilities.

AMBULANCE STATION: An ambulance station is a structure or other area set aside for storage of ambulance vehicles, medical equipment, personal protective equipment, and other medical supplies. Most stations are made up of garage bays or a parking area, normally undercover.

AMENDMENT: See ZONING AMENDMENT.

AMPHITHEATER: An oval or round structure having tiers of seats rising gradually outward from a central open space or arena. An amphitheater is provided for as a principal or accessory use.

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

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

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

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

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

ANIMAL GROOMER: A retail facility that provides bathing and trimming services for small animals on a commercial basis. Animal groomers do not include medical or surgical treatment or overnight boarding facilities. See also “Kennel.”

ANIMAL HOSPITAL AND VETERINARIAN SERVICES: An establishment for the medical or surgical treatment of animals, including the boarding of hospitalized animals.

ANIMAL SHELTER: Any building or other structure which is used to enclose and provide protection for livestock or domestic pets.

ANIMAL PRODUCTION: The slaughtering, processing or marketing of animals for a commercial use. See also “Agricultural Operation.”

ANSI: The American National Standards Institute.

ANTENNA: Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities as defined in this Ordinance.

APARTMENT: A multi-family dwelling. See “Dwelling Types.”

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

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

APPURTENANCE: Exterior architectural features that are visible, functional, or ornamental objects attached to a structure or building.

AQUARIUM/ZOO: An establishment that maintains a collection of wild animals, typically in a park, garden, or a transparent tank of water for display to the public.

ARCHITECT: An architect registered by the Commonwealth of Pennsylvania. See “Registered Professional.”

ARCHITECTURAL EASEMENT: An area of a property within a required front yard where a porch or deck can be built so long as it is not intended for occupancy.

ARCHITECTURAL FOOTPRINT: The entire area of ground covered by the permitted structure including, but not limited to, covered porches and breezeways. The architectural footprint is exclusive of patios, decks, and exterior walkways.

ART GALLERY: A structure, or part thereof, devoted to the exhibition of visual works of fine art. Art galleries generally include accessory services, such as sale or purchase of displayed works, custom framing or encasement of art works and services related to art appraisal, display, preservation, or restoration.

ARTS & CRAFT STUDIO: A use involving the creation, display, and sale of arts and crafts, such as paintings, sculpture, and fabric crafts. The creation of arts and crafts may also be permitted within a home occupation, provided the requirements for such use are met.

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

ARTERIAL STREET: A public street which serves large volumes of high speed and long distance traffic. Streets classified as arterial in the Township for the purposes of interpreting this Ordinance are: U.S. Route 422, U.S. Route 422 By-Pass and PA Route 65.

ASPHALT/CONCRETE PLANT: A plant where asphalt or concrete is mixed for distribution, typically for use off-site.

ASSEMBLY HALL: A room, hall or building used for lectures, meetings and gatherings, other than a religious convocation.

ASSISTED LIVING FACILITY: Any premises in which food, shelter, assisted living services, assistance or supervision, and supplemental health care services are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency, or medication prescribed for self-administration.

AUDITORIUM: A large building or hall used for public gathering, typically speeches or stage performance.

AUTOMOBILE GRAVEYARD: See “Junk/Salvage Yard.”

AUTOMOBILE RENTAL: See “Vehicle Rental.”

AUTOMOBILE SERVICE STATION: See “Service Station, Automobile.”

BAR OR TAVERN: A business which sells alcoholic beverages for consumption on the premises as the principal use and which may offer food for consumption on the premises as an accessory use.

BARN: A principal or accessory structure used for the shelter of livestock raised on the premises, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for the agricultural operations on the premises. As an accessory use, a barn shall be considered an accessory agricultural building. See also “Accessory Agricultural Buildings.”

BASEMENT: That portion of a building having at least one-half (1/2) of its height above the average grade of the adjoining ground.

BED AND BREAKFAST INN: A dwelling which is the principal residence of the operator where no more than four (4) sleeping rooms are offered to transient overnight guests for compensation and where the only meal served and included with the overnight accommodations is breakfast.

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

BILLBOARD: Any off-premises sign with a changeable advertising face which advertises an establishment person, activity, product or service which is unrelated to or not available on the premises on which the sign is located.

BOARD: Any body granted jurisdiction under a land use ordinance or by the MPC to render final adjudications.

BOARD OF SUPERVISORS: The Board of Supervisors of the Township of Shenango, Lawrence County, Pennsylvania.

BOARDING HOUSE: A building other than a hotel, motel, short-term rental, or bed and breakfast where lodging is provided for compensation.

BOARDING STABLE: The keeping of horses and ponies owned by other persons other than the owner of the stable, or rental of horses owned by the owner of the stable for a fee or other form of compensation, which may include training of horses, riding lessons and riding facilities.

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

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

BUFFER AREA: A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material and shall consist of a mix of types and sizes of plant material which, within three (3) years of planting, meets the standard of providing a compact year-'round visual screen at least six (6) feet in height or an existing natural barrier, such as vegetation and/or topography, which duplicates the effect of the required buffer area.

BUILDING: Any structure having enclosing walls and roofs and having a permanent location on the land. (See also COMPLETELY ENCLOSED BUILDING)

BUILDING CODE: The Unified Construction Code of Pennsylvania as adopted by the Shenango Township Board of Supervisors and periodically updated.

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

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

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE, FRONT: A line parallel to or concentric with the front lot line, the minimum measurement of which is the front yard depth required by this Ordinance.

BUILDING PERMIT: A permit for activities regulated by the Township Building Code, including construction, alteration, repair, demolition, or an addition to a structure.

BUILDING SPACING: The minimum distance between two (2) buildings on the same lot, measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters that project beyond the wall of the building no more than two (2) feet.

BUS OR TRUCK MAINTENANCE FACILITY: A building or set of buildings that are designed for the maintenance of buses and trucks. Buses and/or trucks within this category include vehicles that have a GVWR greater than 8,500 pounds and less than 33,000 pounds. Related land use classifications include; “Automobile Repair and Service, Commercial Motor Vehicle Repair, and Heavy Equipment Repair.” See also “Supply Yards” with regards to equipment sales.

BUS TERMINAL: A terminal that serves bus passengers.

BUSINESS SERVICES: Establishments engaged in providing services to business office on a fee or contract basis, including, but not limited to, advertising and public relations; management and consulting services; employment services; building security and maintenance services; equipment servicing, rental/leasing and sales; computer and data processing services; mailing, photocopying, quick printing and fax services; sale of office supplies; and similar business services; but not including the rental, sale or repair of vehicles or heavy equipment.

BUSINESS OR PROFESSIONAL OFFICES: Any office of recognized professions such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents and other who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

CAMPGROUND: A seasonal recreational facility which offers spaces for rent of overnight occupancy by campers utilizing tents or recreational vehicles that includes sanitary facilities for the use of the campers and that may include other common recreational facilities for the use of the campers.

CARTWAY: That portion of a street or alley intended for vehicular use.

CAR WASH: A facility, whether automatic, semi-automatic or manual, for washing and polishing vehicles.

CAR WASH TYPES:

AUTOMOBILE DETAIL: Any building, premises, or land in which or upon which a business or individual performs or renders a service involving the detailing and servicing of an automobile or other motor vehicle. Detailing and servicing shall include any cleaning, buffing, striping, glass replacement, and audio installation or repair. Automobile detail shall not include any service defined as “Automobile Repair.”

CAR WASH, AUTOMATIC: A structure where chains, conveyors, blowers, steam cleaners, or other mechanical devices are used for the purpose of washing motor vehicles and where the operation is generally performed by an attendant.

CAR WASH, SELF-SERVICE: A structure where washing, drying, and polishing of vehicles is generally on a self-service basis without the use of chains, conveyors, blowers, steam cleaning, or other mechanical devices.

CARE FACILITIES AND ELDERLY HOUSING: An establishment that contains dwelling units, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes based on age and/or resident needs.

CARPORT: A structure to house or protect motor vehicles, which is open to the weather for at least forty percent (40%) of the total area of its sides.

CARTWAY: That portion of the street right-of-way that is surfaced for vehicular use, excluding curbs and shoulders.

CASINO AND GAMING FACILITIES: A principal use that includes all legal gambling facilities and gaming uses as regulated by the Pennsylvania Gaming Control Board (PGCB). In addition, Gaming Facilities shall include commercial operations that provide legal “skill based” electronic gaming machines not regulated by Pennsylvania’s standard gambling and casino regulations.

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

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

CELLAR: That portion of a building having one-half (1/2) or more of its height below the average grade of the adjoining ground.

CEMETERY: Property used for interring of dead persons or domestic pets, including mausoleums and columbariums, but not including crematoriums or family plots.

CHURCH: Any structure or structures used by a religious denomination for worship or religious instruction, including social and administrative rooms and day nurseries accessory thereto, including, chapels, cathedrals, temples, synagogues and the like.

CLEAN WOOD: Natural wood that has been seasoned to reduce its water content and provide more efficient combustion. The term clean wood does not include wood: coated with paint, stain, oil, resin or any other preservative, fire retardant or decorative materials; impregnated with preservatives or fire retardants; exposed to salt water; nor manufactured with the use of adhesives, polymers or resins, such as strand, particle and veneer lumber and recycled lumber.

CLEAR SIGHT TRIANGLE: A triangular area of unobstructed vision at the intersection of two (2) street or of a driveway and a street define by line of sight a given distance from the intersection of the centerlines of two (2) streets or the centerlines of the driveway and the street.

CLINIC: Any establishment, including mobile diagnostic units, where human patients receive medical, dental, chiropractic, psychological and surgical diagnosis, treatment and counseling under the care of a group of licensed medical doctors and dentists and their supporting staff, where said patients are not provided with board or room or kept overnight on the premises.

CLUB, PRIVATE: See PRIVATE CLUB.

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

CLUSTER DEVELOPMENT: A development design technique used in planned residential development that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

CLUSTER SUBDIVISION: A subdivision of lots proposed for single family dwelling units authorized by this Ordinance to permit the clustering of dwelling units by allowing the reduction of the minimum lot size required in the Zoning District, provided the difference between the reduced lot area and the minimum required lot area for the Zoning District is dedicated as Common Open Space, as defined herein.

COLLECTOR STREET: A public street which, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads. Streets classified as collector roads in the Township for the purposes of interpreting this Ordinance are: Butler Road, Center Church Road, Chewton/Pittsburgh Road, Frew Mill Road, Fletcher Hill Road, Gardner Center Road, Harmony Baptist Road, Old Pittsburgh Road, Old Princeton Road, Old Route 422, PA Route 388, Pennsylvania Avenue, Savannah Road, Savannah Gardner Road, Turkey Hill Road, Union Valley/Hog Hollow Roads and Willowbrook Road.

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

COMMERCIAL COMMUNICATIONS TOWER: A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals through the air and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to retransmit wireless

telecommunications. A commercial communications tower shall be a structure over thirty (30) feet in height that is primarily intended to support one (1) or more antenna. This term shall not include a “Standard Antenna.”

COMMERCIAL MOTOR VEHICLE REPAIR: Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of a commercial motor vehicle. Commercial motor vehicles are those vehicles that have a GVWR in excess of 33,000 pounds and generally require a commercial driver’s license to operate. Related land use classifications include; “Automobile Repair and Service, Bus or Truck Maintenance Facility, and Heavy Equipment Repair.” See also “Supply Yards” with regards to equipment sales.

COMMERCIAL RECREATION: See RECREATION, COMMERCIAL.

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

COMMERCIAL RECREATION, OUTDOOR: An establishment operated by a profit-making corporation, partnership, or other business entity for the pursuit of sports, amusement and recreational activities, available to the general public for a fee, where the principal use is outdoors, but which may include accessory uses that are indoors, including, but not limited to such principal uses as miniature golf courses, golf or batting practice facilities, ice rinks, roller blade parks, swimming pools, sports playing fields, ball parks, stadiums, amphitheaters, drive-in theaters, amusement parks, racetracks and similar facilities.

COMMON OPEN SPACE: A lot or portion thereof or a body of water or a combination thereof within a development site for the use and enjoyment of the residents of a Planned Residential Development or cluster subdivision, as defined and authorized by this Ordinance, not including streets, off-street parking areas and areas set aside for use by the general public.

COMMUNICATIONS ANTENNA: Any structure designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions, including, but not limited to, omni-directional or whip antennas, directional or panel antennas and satellite or microwave dish antennas which may be mounted on an existing building, an existing public utility storage or transmission structure or an existing communications tower, except for transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens.

COMMUNICATIONS EQUIPMENT BUILDING: A manned or unmanned structure which contains the equipment necessary to maintain and operate communications antennas and which covers an area on the ground in excess of two hundred (200) square feet.

COMMUNICATION EQUIPMENT CABINET: An unmanned structure which contains the equipment necessary to maintain and operate communications antenna and which covers an area on the ground of no more than two hundred (200) square feet.

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

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

COMPLETELY ENCLOSED BUILDING: A building designed and constructed so that all exterior walls shall be solid from the ground to the roof line, containing no openings except for windows and doors which are designed so that they may be closed and any other small openings required for the ventilation system.

COMPREHENSIVE PLAN: The Shenango Township Comprehensive Development Plan as adopted and amended by the Board of Supervisors.

CONDITIONAL USE: A use authorized by this Ordinance which may be granted only by the Board of Supervisors following review by the Planning Commission and a public hearing subject to express standards and criteria contained in this Ordinance.

CONFERENCE CENTER: Specialized hotel (usually in a less busy but easily accessible location) designed and built almost exclusively to host conferences, exhibitions, large meetings, seminars, training sessions, etc. A conference center often also provides office facilities, and a range of leisure activities.

CONSTRUCTION-RELATED BUSINESS: Construction-related businesses shall include building related industries such as carpentry, electrical, plumbing, HVAC, etc. Construction business may include retail and/or office spaces related to the sales and distribution of the principal use. Supply yards and/or storage yards may be permitted as accessory uses. See also "Supply Yard" and "Storage Yard."

CONSTRUCTION TRAILER, TEMPORARY: A structure designed, used or constructed, to provide temporary offices for construction supervision on the site of an approved subdivision or land development during that time that a valid building permit or grading permit is in effect.

CONTRACTING BUSINESS: The administrative offices of a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a

contractual basis and which may include the storage of materials, equipment and vehicles, provided all materials, equipment and vehicles are stored within a completely enclosed building.

CONTRACTOR’S YARD: An establishment which may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis, but which involves the storage, either indoor or outdoors, of materials, equipment and vehicles used in the business.

CONVENIENCE STORE: A retail store offering a limited selection of grocery, household and personal items for quick purchase and which may include the dispensing of gasoline.

CONVERSION DWELLINGS: See “Dwelling Types.”

CORNER LOT: A lot at the intersection of, and fronting on, two (2) or more street rights-of-way.

CORRECTIONAL FACILITY: Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense, including but not limited to facilities where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel. Also see “Halfway House.”

COUNTY PLANNING COMMISSION or AGENCY: The Lawrence County Planning Commission.

COVERAGE: See LOT COVERAGE.

CUSTOM PRINTING: The production of text, picture, etc. by applying specialized inked types, plates, blocks, or the like, to paper or other material either by direct pressure or indirectly by offsetting an image onto an intermediate roller.

DAY CARE CENTER: A facility, licensed by the Commonwealth, located within a building which is not used as a dwelling unit, for the care, on a regular basis, during part of a twenty-four (24) hour day of children under the age of sixteen (16) or handicapped or elderly persons.

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

DAY CARE CENTER, CHILD: A facility, licensed by the Commonwealth of Pennsylvania, located within a building which is not used as a dwelling unit, for the care of children under the age of sixteen (16) for an apportion of a twenty-four (24) hour day. This land use classification includes nursery schools which provide daytime care and/or instruction for two (2) or more children of preschool age.

DAY CARE HOME: See FAMILY DAY CARE HOME.

DAY CARE, HOME-BASED: An accessory use in which care is provided pursuant to approval of the Pennsylvania Department of Public Welfare, for children under the age of sixteen (16) who are unrelated by blood or marriage, to all owners of the premises and to all owners and operators of the Family Day Care Home operation being conducted on the premises. Provided, further, that the premises wherein the Family Child Day Care Home operation or business is located must be the full-time bona fide residence of the owner of said operation or business and said premises must be in compliance with all applicable provisions and requirements of the most recent editions of the Building Code, Residential Code and Fire Code, as adopted by the Township, and the Rules and Regulations of the Pennsylvania Department of Public Welfare relating to Family Child Day Care Homes, and any other applicable law, ordinance or regulation.

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

DECK OR PATIO: Any uncovered outdoor living area, without a roof, in excess of twenty-four (24) square feet constructed on or above the surface of the ground.

DENSITY, DWELLING UNIT: See DWELLING UNIT DENSITY.

DETERMINATION: The final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder except the governing body the zoning hearing board (ZHB); the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance (SALDO) or Planned Residential Development (PRD) provisions.

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 land or water area, including, but not limited to, construction of buildings or structures or additions thereto, mining, dredging, filling, grading, paving, excavation or drilling operations.

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

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

plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DISTILLERY: An establishment for distilling, especially distilling alcoholic liquors. No products produced by the distillery shall be sold and/or consumed on the premises. See also “Micro-distillery.”

DISTRIBUTED ANTENNA SYSTEM (DAS): Network or spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DISTRIBUTION CENTER: A center for a set of products in a warehouse or other specialized building, often with refrigeration or air conditioning, which is stocked with products (goods) to be redistributed to retailers, to wholesalers, or directly to consumers. A distribution center includes truck depots, freight handling, and/or the entire order fulfillment process.

DISTRICTS: See ZONING DISTRICT.

DOMESTIC PETS: Animals or birds customarily found in a dwelling and kept for company or pleasure, including dogs and cats, provided there is not a sufficient number to constitute a kennel, as defined herein; hamsters; gerbils; parakeets; canaries; and similar small animals or birds, but not including any exotic animals such as lions, tigers, bears, ocelots or other feral cats, large or poisonous snakes, alligators, monkeys or other animals normally found in a zoo; nor any horses, pigs, chickens or other fowl or livestock customarily found on a farm.

DORMITORIES: Buildings at a school or institution, containing a number of private or semiprivate rooms for residents, along with common bathroom facilities and recreation areas.

DRILLING: Any digging or boring of a new well to explore, develop, or produce oil, gas or other hydrocarbons or to inject gas, water, or any other fluid or substance into the earth.

DRILLING PAD: See “Oil and Gas Pad/Well.”

DRILLING SITE: An area that includes the perimeter of the surface area of drilling operations.

DRIVEWAY: A private vehicular way providing access between a street and a parking area or garage located on a lot.

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

DRUG STORE: See “Pharmacy.”

DWELLING: A building designed exclusively as living quarters for one (1) or more families, including single family, two-family, triplex, fourplex, modular and multifamily dwellings, group care facilities, personal care boarding homes and transitional dwellings, but not including hotels, motels or boarding houses.

DWELLING TYPES: The following dwelling types are included in this Ordinance:

- A. **SINGLE FAMILY DWELLING:** A detached residential building which is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit. (See also MOBILE HOME.)
- B. **TWO FAMILY DWELLING:** A residential building which is the only principal structure on the lot, designed exclusively for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, each with a separate entrance directly to the outside, including double house and duplexes.
- C. **TRIPLEX:** A residential building containing three (3) single family attached dwelling units intended for fee simple or condominium ownership, each having independent access directly to the outside and having no other units above or below, which units are attached either side by side or at right angles to one another with the entrance to each unit facing a different direction.
- D. **FOURPLEX:** A residential building containing three (3) single family attached dwelling units intended for fee simple or condominium ownership, each having independent access directly to the outside and having no other units above or below, which units are attached either side by side or at right angles to one another with the entrance to each unit facing a different direction.
- E. **MULTIFAMILY DWELLING:** A residential building designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units, including triplexes, fourplexes, garden apartments and townhouses.
- F. **GARDEN APARTMENT:** A multifamily residential building no more than three (3) stories in height containing three (3) or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.
- G. **GROUP CARE FACILITY:** A facility licensed by the Commonwealth which provides room and board and specialized services for any number of permanent residents who are not included in the protected classes covered by the Fair Housing Act (42 U.S.C. 3601 et.

seq.) and persons of any age or condition who have been adjudicated by the Criminal Court system and who are in need of supervision and specialized services on a twenty-four (24) hour basis, including staff qualified by the sponsoring agency who may or may not reside at the facility and who provide health, social and rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation and the facility shall meet all requirements of the sponsoring agency.

- H. **MODULAR DWELLING:** A single family dwelling which is delivered to its site in at least two (2) sections that are set upon a permanent foundation and the sections joined together. Such dwellings shall be certified as meeting the minimum standards manufactured housing in Pennsylvania and shall be at least twenty (20) feet wide for the entire length when assembled. Modular dwellings shall be permitted wherever single family dwellings are allowed, provided they are installed on a permanent foundation and connected to all available utilities.
- I. **PERSONAL CARE BOARDING HOME:** A dwelling licensed by the Commonwealth where room and board is provided to more than three (3), permanent residents, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services for a period exceeding twenty-four (24) consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing or intermediate nursing care.
- J. **TOWNHOUSE:** A multifamily residential building, not including a triplex or fourplex, no more than two and one-half (2 ½) stories in height which contains at least three (3), but no more than eight (8) dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.
- K. **TRANSITIONAL DWELLING:** A dwelling unit occupied on a short term basis by persons assigned by a Court of Law, or referred by a public, semi-public or nonprofit agency, and managed by a public, semi-public or nonprofit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration, prison assignment, house arrest or other Court order treatment, and other such short-term supervised assignments or living arrangements.

DWELLING UNIT: Two (2) or more rooms designed for or occupied by one (1) family only and containing sleeping facilities, cooking and food storage facilities, and, in a separate room, toilet, and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit.

DWELLING UNIT DENSITY: The number of dwelling units authorized by this Ordinance per acre of land.

EASEMENT: A grant of the specified use of a parcel of land to the public, a corporation or person in which no permanent structures shall be permitted without the permission of all parties having rights to the easement.

EDUCATIONAL INSTITUTION: A structure, part of a structure, or structures designed and used for training and teaching of children, youths, or adults, including laboratories appurtenant thereto. An educational institution does not include a school or college/university, as defined within this Ordinance.

ELECTRONIC NOTICE: Notice given by a municipality through the Internet of time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

EMERGENCY: A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the service provided.

EMERGENCY OPERATIONS CENTER (EOC): A centralized location to support multi-agency and or multi-jurisdictional disaster response coordination and communication.

ENFORCEMENT NOTICE: A notice sent by the Township to the owner or occupant of record of a parcel on which a violation of this Ordinance has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner or occupant of record, the purpose of which is to initiate enforcement proceedings.

ENGINEER, PROFESSIONAL: A licensed professional engineer registered by the Commonwealth of Pennsylvania. See “Registered Professional.”

EPA: The United States Environmental Protection Agency (EPA) or any agency successor thereto.

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

ESSENTIAL SERVICES: The provision by continuous conduit of distribution and collection systems by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Shenango Township of underground or overhead gas, electrical, telephone, steam, or water lines, sewers, fire alarm boxes, traffic signals, hydrants, cable TV (not including towers) and accessories in connection therewith, reasonably necessary to furnish adequate services within Shenango Township to the general public.

EXHIBITIONS AND ART GALLERIES: See “Art Gallery.”

EXPLORATION: Temporary geologic or geophysical activities, drilling in context with the zoning definition in this Ordinance, including seismic surveys, related to the search for natural gas or other subsurface hydrocarbons.

EXTENDED STAY HOTEL/MOTEL: A hotel or motel with accommodations for sleeping along with in-unit full kitchen and bathroom facilities. Occupancy of any extended stay unit shall be allowed for more than thirty (30) days as long as the units comply with all residential building and fire codes.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act or any persons who constitute a direct threat to others or their physical property.

FAMILY DAY CARE HOME: A facility, licensed or approved by the Commonwealth, as required by the laws of the Commonwealth, located within a dwelling in which the operator resides, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, including care provided to children who are relatives of the provider, where such use shall be secondary to the use of the dwelling for living purposes and shall meet all applicable requirements for a home occupation.

FARMERS MARKET: A retail establishment at which fruits, vegetables, breads, eggs, milk, cheese, meat, flowers, and the like are sold by persons who typically grow, harvest, or process such items from their farm or agricultural operation.

FCC: Federal Communications Commission.

FENCE OR WALL: A structure designed for the purpose of enclosing space or separating parcels of land. The term “fence or wall” shall not include retaining walls which are designed and approved in accordance with the Township Grading Ordinance.

FINANCIAL INSTITUTION: A bank, savings and loan association or similar institution that lends money or is engaged in a finance-related business.

FIRE STATION: A building in which firefighting apparatus and usually fire department personnel are housed.

FISH PRODUCTION: Aquaculture or the cultivation of fish and other seafood for commercial sale.

FLAG: Any fabric containing distinctive colors, patterns, or symbols, used as a symbol of the United States of America, the Commonwealth of Pennsylvania, or the local municipality. A flag is not a sign.

FLEA MARKET: A business that sells used merchandise, other than automobiles, logging equipment, or other agricultural equipment, and stores or displays the merchandise outdoors.

FLEX USE DEVELOPMENT: The use of a building or buildings by one tenant or multiple tenants for an office, distribution center, light manufacturing, technological assembly, warehouse and/or wholesale, and associated administrative space.

FLOODPLAIN: As defined by the Shenango Township, Lawrence County, Pennsylvania Floodplain Management Ordinance.

FLOODPLAIN MANAGEMENT ORDINANCE (FMO): The Shenango Township, Lawrence County, Pennsylvania Floodplain Management Ordinance, as adopted and amended by the Township Board of Supervisors.

FLOOR AREA, GROSS: The sum of all the horizontal floor areas of a building, measured between exterior faces of walls.

FLOOR AREA, NET: The total floor area of a building designed for tenant occupancy or accessible to the customers, clients or general public, excluding storage areas, equipment rooms and common areas such as halls, corridors, stairwells, elevator shafts, restrooms, interior vehicular parking and loading areas and similar common areas, expressed in square feet and measures from the centerline of joint partitions and exteriors of outside walls.

FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, not involving any land development.

FOURPLEX: See "D" under DWELLING TYPES.

FRACTURE or FRACKING: The process of injecting water, customized fracking fluid, steam, or gas into a gas well under pressure to improve gas recovery.

FRESH WATER: Water obtained from a potable water source of the Commonwealth such as a hydrant, stream, lake, water well, spring, or other source that has not been treated or utilized in commercial or industrial operations.

FRONT BUILDING LINE: See BUILDING LINE, FRONT.

FRONT LOT LINE: See LOT LINE, FRONT.

FUNERAL HOME/CREMATORIUM: A building used for the embalming of deceased human beings for burial and for the display of the deceased and ceremonies connected therewith before burial or cremation and which may include a crematorium.

GARAGE, ATTACHED NONRESIDENTIAL: An attached nonresidential garage is an extension of a permitted principal building and subject to the regulations of the underlying district.

GARAGE, ATTACHED RESIDENTIAL: An attached residential garage is an extension of a permitted residential dwelling.

GARAGE, PRIVATE: An accessory building or a portion of the principal building, enclosed on not less than three (3) sides, not accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building.

GARAGE, PUBLIC PARKING: A building, other than a private garage, containing two (2) or more parking spaces accessible to the general public used for the storage or parking of motor vehicles, where such vehicles are kept for remuneration, but not including the repair of vehicles or the storage of dismantled or wrecked motor vehicles.

GARAGE, REPAIR: See REPAIR GARAGE.

GARDEN APARTMENT: See "F" under DWELLING TYPES.

GARDEN CENTER: A building or structure used for the sale of flowers, plants, shrubs, trees, and other natural flora and associated products. A garden center does not include a greenhouse, nursery and/or outdoor storage, display and sales of equipment and/or material associated with the principal use. See also "Greenhouse/Nursery," "Landscape Supply Yard" and "Storage Yard."

GARDEN NURSERY: A retail establishment that sells flowers, plants, trees and other natural flora and products which aid in their growth and care and which may include a greenhouse or the growing of plant material outside on the lot.

GAS FUEL STATION: A building(s), premises or portions thereof which are used, arranged, designed, or intended to be used for the retail sale of gasoline, or other fuel for motor vehicles. This land use classification shall include electric recharge stations for electric motor vehicles. Gas stations may include the operation of a convenience food store in conjunction with the retail sale of petroleum products. Gas stations may sometimes also be located within an Automobile Repair and Service use, but only when the Automobile Repair and Service use is also allowable in the zoning district.

GAS WELL: Any well drilled for the intent of extracting gas or other hydrocarbons from beneath the surface of the earth.

GAZEBO: A freestanding, accessory, roofed structure usually open on the sides.

GOLF COURSE: A recreational facility which has a course, with a minimum of nine (9) regulation size holes, for playing golf as its principal use and which may have a clubhouse, locker rooms, restaurant, swimming pool, pro shop, facilities for racquet sports, maintenance facilities and similar facilities as accessory uses.

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

GOVERNING BODY: The duly elected Board of Township Supervisors of the Township of Shenango, Lawrence County, Pennsylvania.

GRAIN SILO: A principal or accessory structure for storing bulk materials such as grain or fermented feed known as silage. Other typical bulk storage items include coal, green feeds, and woodchips. As an accessory use, grain silo shall be considered an accessory agricultural building. See also "Accessory Agricultural Buildings."

GREENHOUSE/NURSERY: The indoor raising of plants, shrubs and trees for sale and transplantation.

GROSS FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building measured between exterior faces of walls.

GROUNDWATER: Water in that portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials. Groundwater often supplies wells and springs and is often withdrawn for domestic, agricultural, municipal, industrial, and other beneficial uses.

GROUP CARE FACILITY: See "G" under DWELLING TYPES.

GROUP CARE HOME: A dwelling unit where room and board is provided to not more than eight (8) permanent residents who are mentally or physically handicapped persons of any age, who are in need of supervision and specialized services, and no more than two (2) caretakers on any shift, who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents. The service shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation, and the facility shall meet all minimum requirements of the sponsoring agency. A group home does not include persons assigned by a court of law or public or semipublic agency

on a short-term basis for supervision, care and counseling for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration and other such transitional, and/or supervised short-term assignments. See also “Halfway House.”

HALFWAY HOUSE: A temporary residential living arrangement for persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution, including but not limited to homes licensed for juvenile offenders, alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration and other transitional, and/or supervised short-term assignments. See also “Correctional Facility” and “Group Home.”

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

HEALTH CLUB: A commercial recreational enterprise or private club which has as a principal use a gymnasium, swimming pool or other sports facility and which may offer massages, whirlpool baths, steam rooms, saunas and/or medical facilities as accessory uses to the principal use.

HEARING: An administrative proceeding conducted by a board pursuant to §909.1 of the MPC.

HEAVY EQUIPMENT REPAIR: The repair, rebuilding, painting, or reconditioning of heavy equipment not classified as a motor vehicle for use on public roadways. See also “Supply Yard” regarding equipment sales. Related land use classifications include; “Automobile Repair and Service,” “Bus or Truck Maintenance Facility,” and “Commercial Motor Vehicle Repair.”

HEIGHT OF BUILDING: See BUILDING HEIGHT.

HEIGHT OF STRUCTURE: The vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

HEIGHT OF TOWER-BASED WCF: The vertical distance measured from the ground level, including any base pad, to the highest point on a tower-based WCF, including antennae mounted on the tower and any other appurtenances.

HEIGHT OF TURBINE: The distance measured from the highest point of the wind turbine rotor plane to the ground level.

HELIPORT: Any area of land, water or structure which is used or intended to be used for the landing and takeoff of helicopters and any appurtenant areas which are used for heliport buildings or helicopter facilities or rights-of-way, together with all heliport building and facilities thereon.

HISTORIC STRUCTURE: Includes any structure that is:

- Listed individually in the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Registry;
- Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a district preliminarily determined by the Secretary to qualify as a registered Historic District;
- Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: by approved state program as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs.

HOME GARDENING: The growing of flowers, plants or vegetables for consumption by the persons residing on the premises, including backyard composting for personal use and noncommercial greenhouses not exceeding one hundred fifty (150) square feet in gross floor area.

HOME OFFICE: A home occupation, as defined below, including, but not limited to, an office of an attorney, architect, engineer or similar recognized profession or the office of a realtor, insurance agent, investment counselor, manufacturer's representative, broker or similar service, where customers or clients do not routinely visit the premises and where no one who is not a resident of the dwelling is employed on the premises.

HOME OCCUPATION: An accessory use of a service character, conducted entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the character of the dwelling.

HOME OCCUPATION BUSINESS: Any use customarily carried on entirely within a dwelling, by the occupant thereof, which use is clearly incidental and subordinate to the use of the dwelling. Examples include, but are not limited to, professional services such as legal, financial, accounting or engineering, barber and beauty shops, music and tutoring instruction. Home occupational businesses only employ residents of the principal structure. Home Occupational Businesses are different than No-Impact Home-Based Businesses. See also "No-Impact Home-Based Business."

HOSPITAL: An establishment licensed by the Commonwealth for the care of human patients suffering from physical or mental illnesses, and which may or may not include facilities for major surgery and which may be publicly or privately operated.

HOSPITAL, ANIMAL: See ANIMAL HOSPITAL.

HOT TUB & OUTDOOR SPAS:

HOTEL: See MOTEL/HOTEL.

HYDRAULIC FRACTURING (FRACKING): See “Oil and Gas Well/Pad.”

IMPERVIOUS SURFACE: Surfaces with a coefficient of runoff greater than 0.85, including all buildings, roofed structures, parking areas, driveways, streets, sidewalks and areas paved in concrete and asphalt and any other areas determined by the Township Engineer to be impervious within the meaning of this definition.

IMPERVIOUS SURFACE RATIO: As defined in the Township SALDO.

IMPROVEMENT: See DEVELOPMENT.

INCINERATOR: See “Solid Waste Combustor or Incinerator.”

INDOOR AMUSEMENT: An establishment operated by a profit-making corporation, partnership or other business entity located within a completely enclosed building, as defined by this Ordinance, for the pursuit of cultural performances and entertainment activities, including, but not limited to theaters (live and motion picture), arenas, bowling alleys, pool halls, virtual reality and simulation gaming parlors, video arcades, dance halls and similar facilities, but not excluding any adult business, as defined herein. (See also COMMERCIAL RECREATION).

INTERNAL DRIVEWAY SYSTEM: That portion of the parking lot devoted to providing access to individual parking lot aisles.

JUNK/SALVAGE YARD: Any premises devoted wholly or in part to the storage, buying or selling, salvaging, recycling or otherwise handling or dealing in scrap metals, building materials, scrapped or used appliances or other household goods, fixtures, vehicles and vehicle parts, machinery and machinery parts or other forms of discarded materials.

KENNELS: A structure and/or premises where four (4) or more dogs or cats or any combination of dogs and cats totaling four (4) or more animals which are six (6) months or older are kept, bred, trained or boarded at any one time, whether for profit or not.

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

LAKES AND PONDS: Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams or result from excavation. The shoreline of such waterbodies shall be measured from the maximum condition rather than permanent pool if there is any difference. Lakes are bodies of water two (2) or more acres in surface area; ponds are bodies of water less than two (2) acres in surface area.

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

- a. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively; or
- b. A single nonresidential building on a lot or lots regardless of the number of occupants or tenure, including any change of use or structural alteration which results in an increase in total lot coverage by structures and/or paving of 5,000 square feet or more; or
- c. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

LAND DEVELOPMENT PLAN: A plan prepared in accordance with the application requirements of the Township Subdivision and Land Development Ordinance for approval of a land development, as defined herein.

LANDFILL: Any site licensed by the Pennsylvania Department of Environmental Protection (PA DEP) for the disposal of solid waste, other than hazardous waste, as defined and regulated by Federal Statute.

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

LANDSCAPE ARCHITECT: A landscape architect registered by the Commonwealth of Pennsylvania. See "Registered Professional."

LANDSCAPE BUSINESS: Landscape businesses shall include green industry businesses such as landscape design, landscape construction, turf grass maintenance, and landscape maintenance operations. Landscape businesses may include retail and/or office space related to the sales and distribution of the principal use. Supply Yards and/or Storage Yards may be permitted as accessory uses. See also "Supply Yard" and "Storage Yard."

LANDSCAPING PLAN: A plan prepared by a person knowledgeable in the characteristics of plant materials and the proper techniques for installing and maintaining them, including a registered architect or landscape architect or a member of the American Nurserymen's Association, identifying each tree and shrub by size, type and scientific name; the location of each, including planting diagram; and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees to be preserved, if any.

LANDSLIDE SUSCEPTIBILITY: Areas of moderate to high susceptibility to landsliding produced by the influence of natural and/or man-made activity.

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

LEGAL NON-CONFORMING USE: Refers to uses and structures which were begun or constructed when the law allowed for them, but have since become non-compliant due to a change in legislation.

LIBRARY: A building or room containing collections of books, periodicals, and sometimes films and recorded music for people to read, borrow, or refer to.

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

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

LIVE-WORK UNITS: A commercial use, such as a shop, studio, office, cafe, deli, personal service establishment or other place of business, in combination with a dwelling unit located above such place of business. Only the proprietor of the business may occupy the residential unit. All connections between the uses must be internal to the structure. See also "Mixed-Use."

LIGHT MANUFACTURING: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry,

optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

LIMITED MANUFACTURING: Production and assembly uses, excluding any use that involves highly toxic or volatile substances, and limited to the following: computer components and accessories; electrical parts, accessories and equipment; laboratory apparatus; robotics; optical instruments; precision instruments; surgical, medical and dental instruments and supplies; timers and timepieces; search detection and navigational equipment; musical instruments and photographic equipment and accessories.

LIVESTOCK: Any member of the bovine or equine species, including, but not limited to cows, steers, horses and ponies.

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

LOCAL STREET: Any street in the Township not defined by this Ordinance as an arterial street or a collector street.

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

LOT AREA: The total area within the lot lines, excluding the area within any street right-of-way.

LOT COVERAGE: That percentage of the lot area covered by the principal building or buildings and all accessory buildings and structures, including, but not limited to, decks, swimming pools, storage sheds, garages and similar structures.

LOT, DEPTH OF: The mean distance from the street right-of-way line to its opposite rear lot line, generally measured parallel to the side lot lines.

LOT FRONTAGE: That portion of the lot which adjoins the street right-of-way or through which access is provided to a public street.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or other public space.

LOT LINE TYPES:

LOT LINE, FRONT: That lot line which is contiguous with the street centerline or the street right-of-way line. In the case of a lot which has no frontage on a street, the front lot line shall be the lot line through which vehicular access is provided, regardless of which way the dwelling faces.

LOT LINE, REAR: That lot line which is generally opposite the front lot line.

LOT LINE, SIDE: Any lot line which is not a front lot line or rear lot line.

LOT OF RECORD: Any lot which, individually, or as part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Lawrence County.

LOT TYPES:

LOT, CORNER: See CORNER LOT.

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

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

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

LOT WIDTH: The straight line distance between the point of intersection of the front building line with the side lot lines.

LUMBER YARD: See "Supply Yard."

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

MAILED NOTICE: Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MANUFACTURED HOME SALES: The sale of a structure, transportable in one (1) or more sections, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the same time

of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

MANUFACTURING: The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products.

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

MANUFACTURING, LIGHT: See LIGHT MANUFACTURING.

MASSAGE ESTABLISHMENT: Any establishment or business which provides the services of massage or body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, unless operated by a medical practitioner, chiropractor, or professional physical therapist licensed by the State of Pennsylvania. This definition does not include any athletic club, school, gymnasium, reducing salon, spa, or similar establishment where a massage or similar manipulation of the human body is offered as an identical or accessory service. A message establishment may not include aspects of adult entertainment or an adult-oriented establishment, as either are elsewhere defined and regulated in this Ordinance.

MEDIATION: A voluntary negotiating process in which parties to a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MEDICAL CLINIC: Any establishment where human patients are examined and are treated by or under the care and supervision of doctors, dentists, or other licensed medical practitioners, but where patients are not hospitalized overnight.

MEDICAL MARIJUANA: Marijuana for certified medical use as set for in the Medical Marijuana Act (Act 16, Pennsylvania Law 84, No. 16).

MEDICAL MARIJUANA DISPENSARY: The use of the premises by a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to dispense medical marijuana. Medical Marijuana Act (Act 16, Pennsylvania Law 84, No. 16).

MEDICAL MARIJUANA GROWER/PROCESSOR: The use of the premises by a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to grow and/or process medical marijuana.

MEDICAL OFFICES: A place where medical or dental diagnosis, evaluation, and treatment is prescribed or provided.

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

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

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

MICRO-DISTILLERY: A small, often boutique-style distillery established to produce beverage grade spirit alcohol in relatively small quantities, usually done in single or small batches. A micro-distillery provides for the retail sales of the distilled beverage at the location where beverages are distilled. A micro-distillery may also include a tasting room and restaurant in conjunction with the use.

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

MINERAL DEVELOPMENT: Mineral development is a broad land use classification that includes Metallic Mining, Non-Metallic Mining, and Quarrying and Stone Cutting. Mineral development does not include oil and gas facilities or related operations. Oil and gas development is provided for under separate heading.

MINERAL REMOVAL: Any extraction of any mineral for sale or other commercial purpose which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term “mineral” 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, including mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mine openings.

MINI-WAREHOUSE OR SELF-STORAGE FACILITY: A building or group of buildings in a controlled access and fences compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property.

MIXED USE: A commercial use in combination with a residential use in a single principal structure. A mixed-use is distinguished from live-work units due to the lack of any internal connections between the uses. See also "Live-Work Units."

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement of mobile homes.

MODULAR DWELLING: See "H" under DWELLING TYPES.

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

MOTEL/HOTEL: An establishment which offers transient overnight lodging accommodations to the general public and which also may provide additional supporting services such as restaurants, meeting rooms, recreation, facilities and living quarters for a resident manager or proprietor.

MULTIFAMILY DWELLING: See "E" under DWELLING TYPES.

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

MUNICIPAL BUILDING: A building occupied by the principal offices and departments of the Township.

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

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

NET FLOOR AREA: See FLOOR AREA, NET.

NIGHT CLUB: An establishment primarily for evening, late-night to early morning entertainment, that typically serves food and/or alcoholic beverages, and may provide either live or prerecorded music or video, comedy acts, floor shows, with or without the opportunity for dancing. A nightclub may not include any aspects of adult entertainment or an adult-oriented establishment, as either are elsewhere defined and regulated in this Ordinance.

NITS: The measure of the light emanating from an object that is used to quantify digital sign brightness, which is calculated by the total amount of light emitted from a sign divided by the surface area of the sign measured as candelas per square meter.

NO-IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

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

- The business may not involve any illegal activity.

No-Impact Home Based Businesses are different than Home Occupation Businesses. See “Home Occupation Business”

NONCONFORMING LOT: Any lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons such as adoption or amendment.

NONCONFORMING STRUCTURE: A structure or part of a structure which does not comply with the applicable area and bulk provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existing prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

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

NUDITY OR A STATE OF NUDITY: The showing of any part of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernible turgid state.

NURSERY SCHOOL: See “Day Care, Child.”

NURSING HOME: An institution licensed by the Commonwealth for the care of human patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

OCCUPANCY: The physical possession upon, on, or within any lot or structure for a use.

OCCUPANCY CERTIFICATE: A permit for the occupancy of a building, structure or lot indicating compliance with all provisions of this Ordinance and other regulations as required by Shenango Township.

OFFICES: See BUSINESS OR PROFESSIONAL OFFICES.

OFFICIAL DATE OF FILING: The date of the regular meeting of the Planning Commission at which an application is accepted by the Planning Commission as complete in content and properly filed in accordance with the requirements of this Ordinance.

OIL AND GAS COMPRESSOR STATION: A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

OIL AND GAS DEVELOPMENT: The well site preparation, well site construction, drilling, fracturing, and/or site restoration associated with an oil and gas well of any depth; water and other fluid storage; gas reservoir; impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines, not regulated by the Pennsylvania Public Utility Commission (PUC) or United States Department of Transportation, Office of Pipeline Safety, and associated equipment; and all other equipment and activities associated with the exploration for, production of and transportation of oil and gas, including natural gas compressor stations and natural gas processing plants, structures, defined as other support facilities or structures performing similar functions that operate as midstreams facilities.

OIL AND GAS DRILLING SUBSURFACE FACILITIES: Activities performed under the surface of the ground that are part of the operation of oil and gas drilling, as defined herein, whether or not located on properties within the unit for a particular well site, but that are not included in the well site, including, but not limited to horizontal drilling and hydraulic fracturing zones, underground gathering and transmission pipelines established in accordance with PUC guidelines, water distribution lines and similar underground facilities incidental to oil and gas drilling.

OIL AND GAS PROCESSING PLANT: A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil, or naturally occurring liquids from the natural gas.

OIL AND GAS WELL/PAD: The well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of associated equipment and activities associated with the

exploration for and production of oil and gas. An oil and gas well includes the pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil and gas production or storage, including brine disposal and injection wells.

OPEN BURNING: Any fire or combustion from which air contaminants pass directly into the open air without passing through a flue. The term includes any fire or combustion which occurs in a chimney, fire pit, outdoor fireplace, or grill.

OPEN SPACE: An area of land or water on a development site in which no structures are permitted and which is set aside for the use and enjoyment of the general public or the owners and tenants of property which adjoins the open space.

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

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

OWNER: See LANDOWNER.

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

PARK, PUBLIC OR SEMIPUBLIC: A parcel of land owned by the Commonwealth of Pennsylvania, Lawrence County, and/or the Township that is dedicated, either publicly or privately, specifically for outdoor use for open space and/or active or passive recreation purposes. A park shall also include a parcel of land owned by a homeowners’ association or condominium association, as part of a Township-approved subdivision, land development and/or planned residential development that is dedicated, either publicly or privately, specifically for the use as a park, open space and/or active or passive recreation area. A park shall not include a commercial recreation facility, as defined herein.

PARKING AREA: A portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this Ordinance.

PARKING LOT: Any lot, parcel, or yard used in whole or in part for the storage or parking of two (2) or more vehicles where such usage is not incidental to or in conjunction with a single-family or two-family dwelling.

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

PARKING SPACE: A portion of a garage or parking area designated for the parking of one (1) or more motor vehicles in accordance with the requirements of this Ordinance.

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

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

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

PAWN SHOP: A business or establishment which loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

PERSONAL CARE BOARDING HOME: See "I" under DWELLING TYPES.

PERSONAL SERVICES: Any enterprise providing services to a person, their apparel or personal effects commonly carried on or about their person, including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repair, beauty shops, barber shops and the like.

PERSONS: Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability corporations, and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that persons does not include, or apply to, the Township or to any department or agency of the Township.

PETS, DOMESTIC: See DOMESTIC PETS.

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

PLACES OF WORSHIP: A semipublic use, including any of the following: churches, manse, rectory, convent, synagogue, parish, monastery, seminary or similar building incidental to the particular use; but this term does not include business offices, except administrative offices incidental to the operation of the particular use, rescue missions or the occasional use for religious purposes of properties not regularly so used.

PLANNED RESIDENTIAL DEVELOPMENT: See Article XIII “Planned Residential Development”

PLANNING COMMISSION: The Planning Commission of Shenango Township, Lawrence County, Pennsylvania.

PLAT: The map or plan of a subdivision or land development, whether preliminary or final.

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

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

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

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

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

PRE-SCHOOL FACILITY: An establishment which offers private educational services to children who are under the minimum age for education in public school.

PRINCIPAL BUILDING OR STRUCTURE: The building or structure in which the principal use is conducted.

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

PRIVATE: Owner, operated or controlled by an individual, group of individuals, association or corporation, not for profit, and restricted to members and their guests.

PRIVATE CLUBS: Any establishment operated by a private organization for social, recreational, educational, fraternal or sororal purposes, which is open only to members and their guests and not to the general public.

PRIVATE GARAGE: See GARAGE PRIVATE.

PRIVATE RECREATION: See RECREATION, PRIVATE.

PRIVATE STABLE: The keeping of horses and/or ponies for personal use and enjoyment of the residents of the lot, not involving any profit-making activity.

PRIVATE STREET: A street, including the entire private right-of-way, which is privately owned and maintained and which is intended for private, rather than public, use.

PRIVATE USE HELIPAD: A helicopter landing pad licensed by the Pennsylvania Department of Transportation, Bureau of Aviation and regulated by the Federal Aviation Administration which is owned by a private entity and restricted to use by helicopters owned by such entity.

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

PROFESSIONAL OFFICES: See BUSINESS OR PROFESSIONAL OFFICES.

PROTECTED STRUCTURE: Any occupied structure. The term shall not include any structure whose owner has signed a waiver relieving the operator from implementation of the measures established herein or other applicable provisions of the Township Code. In the waiver, the owner must acknowledge that the operator is explicitly relieved from complying with the regulations applicable to a protected structure. The waiver must be notarized.

PUBLIC: Owned, operated or controlled by a government agency, Federal, State, County, or local.

PUBLIC AND SEMIPUBLIC USES: Uses operated by the public or semipublic body such as schools, public libraries, public safety buildings, museums, public meeting halls, and community centers. This definition shall not include hospitals and continuing care facilities.

PUBLIC PARKING GARAGE: See GARAGE, PUBLIC PARKING.

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

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

PUBLIC MEETING: A forum held pursuant to notice under 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 (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of

the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC RECREATION: See RECREATION PUBLIC.

PUBLIC UTILITY BUILDING OR STRUCTURE: Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment or any part of the essential public utility installation as defined herein, other than the general transmission distribution system provided by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Shenango Township which is reasonably necessary to furnish adequate services to the general public both within Shenango Township and outside the Township, including, but not limited to, long distance transmission facilities such as electrical power lines or high pressure natural gas or petroleum lines, switching facilities, substations, water or sewage treatment plants, reservoirs, water towers and similar facilities.

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

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

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

RECREATION, COMMERCIAL: An indoor or outdoor establishment operated by a profit-making corporation, partnership or other business entity for the pursuit of sports and recreational activities, available to the general public for a fee including, but not limited to, such establishments as miniature golf, golf or batting practice facilities, ice or roller rinks, playing fields, racquet clubs, fitness centers, swimming pools, amusement parks, amphitheaters and similar facilities. (See also INDOOR AMUSEMENT)

RECREATION, PRIVATE: An enterprise operate by an individual or non-profit association or corporation, other than a public entity, for the pursuit of sports and recreational activities, which may be advertised to the general public, but the use of which is limited to members and their guests including, but not limited to, such establishments as country clubs, golf courses, sportsman's clubs, golf practice facilities, playing fields, tennis or racquet clubs, swimming pools and similar facilities.

RECREATION, PUBLIC: An enterprise owned and operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, creation or leisure activities, including, but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.

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

RECREATIONAL VEHICLE PARK: A tract or contiguous tracts of land under single ownership improved with the necessary utility connections and other related facilities and containing two (2) or more sites for temporary or seasonal parking or recreational vehicles, but not including permanent, year-round occupancy.

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

REFRIGERATED WAREHOUSE OR COLD STORAGE: See “Warehouse and Storage Services.”

REGIONAL PLANNING AGENCY: A planning agency that is not comprised of representatives of more than one (1) county. Regional planning responsibilities shall include providing technical assistance to counties and municipalities, mediating conflicts across county lines and reviewing county comprehensive plans for consistency with one another.

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

REHABILITATION FACILITY: See “Group Care Facility.”

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

REPAIR GARAGE: A building, or part thereof, used for the servicing and repair of motor vehicles, including engine overhaul, body work and recapping/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside a “Completely Enclosed Building”, as defined by this Ordinance.

REPAIR SHOP: A service establishment providing maintenance and repairs of personal and household items that can be carried in by hand, including personal effects (such as jewelry,

watches, bicycles), small household appliances, office equipment, small gasoline engines and similar items, but not including repair of large appliances, motorized vehicles or heavy equipment.

REPOSSESSION BUSINESS: A business that repossesses vehicles when owners default on payments or rental vehicles are not returned on time. Repossession businesses may include retail/office space and vehicle service areas within a completely enclosed building. Any exterior storage of vehicles and/or related items on the site may be permitted as an accessory use to the principal structure. See also "Storage Yard."

RESEARCH AND DEVELOPMENT: Any establishment, including laboratories, which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include supporting storage and transportation facilities.

RESTAURANT: An establishment which offers food and beverages for sale and consumption either on or on and off the premises as the principal use and may serve alcoholic beverages for consumption on the premises as an accessory use.

RESTAURANT, DRIVE-IN: A restaurant with or without a drive-through, where the food is primarily brought to and consumed within a patron's vehicle. An outdoor seating area may be provided.

RESTAURANT, NEIGHBORHOOD: A restaurant containing less than 1,00 square feet of gross floor area and which does not contain more than 20 seats.

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

RETAIL SALES: The sale on the premises of commodities and/or services directly to consumers, but not including the manufacturing or processing of any products.

RETAIL STORE: Any establishment not otherwise specifically defined in this Article that sells commodities and/or services on the premises directly to consumers, but not including on-site manufacturing or processing of any product or any wholesale sales.

RETIREMENT COMMUNITY: A residential development designed primarily or exclusively for occupancy by elderly or retired person and which features one (1) or more of the following special services associated with the needs of elderly or retired persons such as transportation, limited nursing facilities, dispensaries, common dining facilities, minimum maintenance, laundry service, recreation programs, personal services (such as beauty and barber shops, or cleaner's

valet service), florist and/or gift shop, doctors offices, branch bank, postal service and similar services or facilities.

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

RIDING ACADEMY: An establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered for a fee and where horses may be hired for riding.

RIGHT-OF-WAY: Land set aside for use as a street, alley or other means of travel, including existing and future rights-of-way, as defined below. (See also EASEMENT with respect to utilities.)

EXISTING RIGHT-OF-WAY: The legal right-of-way as established by the Commonwealth or other appropriate governmental authority and currently in use.

FUTURE RIGHT-OF-WAY: The right-of-way deemed necessary to provide adequate area or increased width for future street improvements.

ROADSIDE STAND: An accessory or principal use that includes a seasonal, temporary or semi-temporary structure for the sale of goods or produce.

ROOMING HOUSE: See "Boarding House."

ROW HOUSE: See "Townhome."

SALT STORAGE FACILITY: A structure used to house salt used to treat public and/or private roadways.

SANITARY SEWER, PRIVATE: An on-lot disposal system providing for the disposal of effluent for one (1) building and its accessory building on a single lot, subject to the approval of the Sewage Enforcement Officer.

SANITARY SEWER, PUBLIC: Any municipal or privately owned sewer system in which sewage is collected from more than one (1) lot and piped to an approved sewage disposal plant or approved community treatment system, including capped sewers which are installed to Township specifications.

SCHOOL, PUBLIC AND PRIVATE: An accredited institution of learning which offers elementary and secondary level instruction or which offers associate, bachelor or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania.

SECONDARY DWELLING FOR RESIDENT FARM WORKERS: A second permanent principal structure used as a single family dwelling on a farm to house an individual or a family employed by the owner or lessee of the farm in the pursuit of agriculture.

SELF-STORAGE FACILITY: See MINI-WAREHOUSE/SELF-STORAGE FACILITY

SERVICE STATION, AUTOMOBILE: A retail establishment which provides for one (1) or more of the following activities:

- A. The servicing of motor vehicles and operations incidental thereto and limited to one (1) or more of the following activities: the retail sale of petroleum products; retail sales and installation of automotive accessories; automobile washing by hand; waxing and polishing of automobile; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; installation of accessories; and State Inspection; and/or
- B. The following operations, if conducted within a “Completely Enclosed Building” as defined by this Ordinance: lubrication of motor vehicles; replacement of exhaust systems; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; and/or
- C. The operation of a convenience food store, provided retail sale of petroleum products is a part of the operation.

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

SETBACK LINE, FRONT: The building setback line that is parallel to the front lot line, located at a distance as required by this Ordinance.

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

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

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

SEXUAL CONDUCT: Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions or acts of masturbation, excretory functions, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person to be female, breast.

SHED: A detached, accessory structure which is incidental to a permitted residential structure. Sheds typically sit on a simple concrete slab, piers or soil and are used to store household goods, tools, and/or equipment. Sheds shall include but are not limited to tool sheds, residential greenhouses, and pool equipment structures. All nonresidential detached storage structures are defined as storage buildings. See also "Storage Buildings."

SHOPPING CENTER: One (1) or more retail store(s) and other authorized uses in the zoning district in which it is an authorized use, developed as a single entity on a site, whether developed at one (1) time or in phases or by different owners.

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

SIGN: Any writing, printing, painting, display, emblem, drawing, graphic, electronic display, computerized display, or other device of similar character which:

- Is designed to be viewed by the public and intended to announce, direct attention to, or advertise; and
- Is a structure or any part thereof or is attached to, painted on, or in any other manner represented on a building or other structure supporting the display.

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

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

SIGN, ANIMATED OR MOVING: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation. Changeable copy signs as defined herein are not considered animated or moving signs.

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

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

SIGN BASE: The support on which a sign face stands. The sign base shall not communicate any messages or include business identification.

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

SIGN, BILLBOARD: See Article XVII “Signs”

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

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

SIGN, CHANGEABLE COPY, REMOTE: A sign that is designated so that characters, letters, or illustrations can be changed or rearranged remotely by electronic or other means to change the message or sign without altering the face or surface of the sign.

SIGN, COMMERCIAL MESSAGE: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

SIGN, CONSTRUCTION: A temporary sign announcing the name of contractors, mechanics, or artisans engaged in performing work on the premises and only during active construction activities.

SIGN, DEVELOPMENT: A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.

SIGN, DIGITAL: A computer programmable sign capable of displaying words, numbers, symbols, figures, or picture images that can be altered or rearranged by remote or automatically without physically altering the face or surface of the sign. These signs typically utilize light-emitting diode, plasma, or liquid crystal display technology to produce the character and graphic of the display. Digital signs shall include static alphanumeric displays and electronic message boards.

SIGN, DIRECTIONAL OR INCIDENTAL: A sign generally informational, that has a purpose secondary to the use of the lot or site on which it is located, such as “No Parking,” “Entrance,” “Exit,” “One Way,” “Loading Only,” “Telephone,” and other similar directives, and provided that such sign does not exceed five (5) square feet. Directional, incidental sign shall be located only in conjunction with site drive entrances and/or internal traffic drive aisles.

SIGN, ELECTRONIC MESSAGE BOARD: A type of digital sign which displays messages, such as time and temperature, in alternating light cycles.

SIGN FACE: The area or display surface, including the advertising surface and any framing, trim, or molding, used for the message on a single plane.

SIGN, FLASHING: A sign that contains an intermittent or sequential flashing light source or has a light source which is not stationary, varies in illumination intensity, or contains elements which give the appearance of any of the aforementioned.

SIGN, FREESTANDING: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

SIGN, GOVERNMENTAL: A sign, which is owned, installed, and maintained by the Township or other governmental agency.

SIGN, GROUND/MONUMENT: A freestanding sign, which is completely self-supporting, has its sign face or base on the ground and has no air space, columns, or supports visible between the ground and the bottom of the sign. It shall not be attached to a pole or pylon, nor raised by mountaineering on a man-made berm, wall, or similar structure. Pole/pylon signs that have pole covers which extend from the base of the sign face to the ground shall not be considered ground/monument signs.

SIGN, HOME OCCUPATION IDENTIFICATION: A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

SIGN, EXTERNAL ILLUMINATED: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

SIGN, INTERNAL ILLUMINATED: A sign containing a source of light contained within the sign structure or sign cabinet.

SIGN, INFLATABLE: A three-dimensional (3-D) object, filled with air or gas, and located in such a manner as to attract attention.

SIGN, MARQUEE: A wall sign attached to an integral part of the building consisting of a roof which is supported by the building and may also be supported by columns or piers, and which includes porches, porticos, and porte-cocheres, but does not include canopies or awnings.

SIGN, MENU BOARD: A sign that lists for consumers the various options of products, goods, or services provided by a business.

SIGN, SURFACE AREA OF: The area enclosed by one continuous line, connecting the extreme points or edges of an advertising panel containing letters; or the sum of the areas of each letter, in the case of freestanding letters which are mounted on a building wall, rather than painted on or affixed to an advertising panel. In the case of freestanding pole or ground signs, this area shall not include the main supporting sign structure, but shall include all other ornamental attachments and connecting features which are not part of the main supports of the sign. In the case of letters which are painted on or affixed to an awning or canopy, rather than mounted on a wall or affixed to an advertising panel, the area of the sign shall be the area of the geometric shape formed by outlining the height and width of all of the letters, including the space between the individual letters. For two-sided signs, only one (1) face is counted in computing the surface area.

SINGLE FAMILY DWELLING: See "A" under DWELLING TYPES.

SITE: A tract of land or one (1) or more contiguous lots proposed for development.

SITE AREA: The total area within the boundary lines of a site proposed for development, expressed in acres or square feet.

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

SLOPE: The degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise/descent in elevation by the number of feet of horizontal distance, expressed as a percentage.

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

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

SOLAR ENERGY SYSTEM, SMALL: A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SOLAR RELATED EQUIPMENT: Items including a photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy.

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

SOLID WASTE DISPOSAL: The ultimate disposition of unwanted or discarded materials from households and businesses, including garbage and nonrecyclable materials with liquid content to be free flowing.

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

SOLID WASTE TRANSFER STATION: Land or structures where solid waste is received and temporarily stored at a location other than the site where it is generated and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, sewage, or sludge application.

SOUND LEVEL: The intensity of sound, measured in decibels, produced by the operation of a permitted use.

SOUND LEVEL METER: An instrument standardized by the American Standards Association for measurement of intensity of sound.

SPECIAL EXCEPTION: See USE BY SPECIAL EXCEPTION.

STABLE, BOARDING: See BOARDING STABLE.

STABLE, COMMERCIAL: The keeping of horses and/or ponies for public and/or commercial use. Commercial stables shall be considered a principal use on a lot and are distinct from an “Agricultural Operation.”

STABLE, PRIVATE: See PRIVATE STABLE.

STEALTH TECHNOLOGY: Camouflaging methods applied to a wireless communications towers, antennae, and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match existing structure and facilities constructed to resemble trees, shrubs, and light poles.

STOOP: A covered or uncovered porch located at a front, side or rear door to a dwelling unit not exceeding twenty-four (24) square feet in area.

STORAGE BUILDING: An accessory structure for storing goods and products incidental to a permitted, nonresidential, principal use.

STORAGE YARD, ACCESSORY: As an accessory use, a storage yard includes a portion of a lot or parcel which is not occupied by a building and is used to store materials associated with the permitted principal use. Materials and/or equipment within a storage yard are not offered for commercial sale or are accessible to the public. See also “Supply Yard.”

STORAGE YARD, PRINCIPAL: As a principal use, a storage yard is an otherwise vacant lot or parcel that is used to store construction equipment, vehicles and/or construction materials. Materials and/or equipment within a storage yard are not offered for commercial sale or are accessible to the public. See also “Supply Yard.”

STORMWATER MANAGEMENT ORDINANCE: Shenango Township’s Stormwater Management Ordinance, as adopted and amended by the Township Board of Supervisors.

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 any floor and the ceiling next above it, excluding cellars.

STREET: A public right-of-way or recorded private right-of-way which affords primary means of vehicular access to abutting property, but not including alleys.

STREET LINE: The legal right-of-way line which forms the dividing line between the street and the lot.

STREET, PUBLIC: A public right-of-way dedicated and open for public use which has been adopted by the Township, County, Commonwealth or other governmental body.

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

STRUCTURE, HEIGHT OF: See HEIGHT OF STRUCTURE.

STRUCTURAL ALTERATIONS: A change or re-arrangement of the structural parts or in the exit facilities, or an enlargement or diminution of the structure, whether by extending on the side or increasing the height or depth, or the moving from one location or position to another.

SUBDIVISION: The division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts or parcels or other division of land including any changes in existing lot line for the purpose, whether immediate or future, of lease, partition by the Court for distribution to heirs or devisees, transfer of ownership or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE: The Subdivision and Land Development Ordinance of Shenango Township, Lawrence County, Pennsylvania.

SUPERVISORS: The Supervisors of Shenango Township, Lawrence County, Pennsylvania. See "Governing Body."

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

SUPPLY YARD, ACCESSORY: As an accessory use, a supply yard shall include the portion of a lot or parcel that is not occupied by a building and is used for the display and/or sale of building materials, construction equipment and/or goods associated with the permitted principal use. Supply yards do not include the storage and sale of vehicles. See also "Storage Yard" and "Vehicle Sales."

SUPPLY YARD, PRINCIPAL: As a principal use, a supply yard is an otherwise vacant lot or parcel that is not occupied by a building and is used for the display and sales of building materials,

construction equipment and/or goods typically stored outdoors for sale to the public. Supply yards do not include the storage and sale of vehicles. See also “Storage Yard” and “Vehicle Sales.”

SWIMMING POOL: Any body of water or receptacle for water having a depth at any point greater than two (2) feet and a surface area greater than one hundred (100) square feet, used or intended to be used for swimming or bathing and constructed, installed or maintained outside any building.

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

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

TAVERN: See BAR OR TAVERN.

TAXI & LIMOUSINE SERVICE: A fee based service regulated by the PUC that provides a vehicle and a driver from one (1) point to another.

TEMPORARY CONSTRUCTION TRAILER: See CONSTRUCTION TRAILER, TEMPORARY.

TEMPORARY PORTABLE STORAGE UNITS: Any container, storage unit, shed-like container or other portable structure used for the storage of personal property of any kind and which is located for such purposes on residential property for the purpose of storing and/or moving household materials.

TEMPORARY USE OR STRUCTURE: Any use or structure which may be a principal use on a lot or accessory to an existing principal use on a lot intended to be used for less than six (6) consecutive months. Structures intended to be used for more than six (6) months shall be considered permanent and shall meet the use and structure requirements for permanent structures.

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

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

TOWING AND OTHER ROAD SERVICES: A personal service engaged in the business of offering the services of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place they are disabled by the use of a wrecker so designed for that purpose by a truck, automobile or other vehicle so adapted for that purpose.

TOWNHOUSE: See “J” under DWELLING TYPES.

TOWNSHIP: The Township of Shenango, Lawrence County, Pennsylvania.

TRAFFIC STUDY: A study prepared by a qualified traffic engineer analyzing the expected trip generation from a proposed development using the Institute of Transportation Engineers (ITE) current standards and the impact of the traffic generated by the proposed development on the capacities and levels of service of all streets and intersections in the vicinity of the site.

TRAILER, SALES OR CONSTRUCTION: A temporary structure to be used for duration of the zoning, building, and grading permit to provide temporary offices for personnel associated with the permitted land development.

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

TRANSITIONAL DWELLING: See “K” under DWELLING TYPES.

TRIPLEX: See “C” under DWELLING TYPES.

TWO FAMILY DWELLING: See “B” under DWELLING TYPES.

URBAN AGRICULTURE, ACCESSORY: Small scale agricultural activities conducted on a lot or site in conjunction with an authorized principal use.

URBAN AGRICULTURE, PRINCIPAL: Agricultural activities intended primarily for the growing of crops and in which no livestock, poultry, or other farm animals are kept or raised. Limited agricultural uses are intended to allow for the growing of agricultural products on vacant lots or properties as a permissible principal use.

USE: The purposes, business or activity for which any land or structure is utilized.

USE, PRINCIPAL: See PRINCIPAL USE.

USE, ACCESSORY: See ACCESSORY USE.

USE BY SPECIAL EXCEPTION: A use authorized by this Ordinance which may be granted only by the Zoning Hearing Board following a public hearing subject to express standards and criteria contained in this Ordinance.

VARIANCE: A departure from the specific regulations of this Ordinance which may be granted by the Zoning Hearing Board in accordance with the criteria established by the Pennsylvania

Municipalities Planning Code (Act 247, as amended) for a particular piece of property which, because of special circumstances applicable to it, cannot be developed in compliance with the literal terms of this Ordinance without undue physical hardship.

VEHICLE ACCESSORIES SALES AND INSTALLATION: An establishment engaged in the retail sales and installation of accessories for trucks, automobiles and motorcycles, including, but not limited to such items as tires, hubcaps, mirrors, seat covers, floor mats, tonneau covers, truck caps, windshield wipers, trim packages, running boards and the like, but not including any mechanical parts.

VEHICLE RENTAL, SALES AND SERVICE: The rental, sales and service of automobile, motorcycles and trucks under 26,000 pound GVW, but not including any heavy equipment or any other vehicle or equipment which is not classified as a “motor vehicle” under the Pennsylvania Motor Vehicle Code.

VEHICLE RENTAL FACILITY: The rental of motor vehicles, watercraft, recreational vehicles, or trailers, including outdoor display areas, service areas within a completely enclosed building and a showroom and offices within the building.

VETERINARIAN SERVICES: See “Animal Hospitals and Veterinarian Services.”

WAREHOUSE AND STORAGE SERVICES: A structure primarily used for the storage of goods and materials which also includes refrigeration and cold storage services. This use does not include distribution centers.

WAREHOUSING AND DISTRIBUTION: A building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles. Warehousing which is incidental to retail sales and which does not constitute in excess of thirty percent (30%) of the total floor area of the retail establishment shall be excluded from this definition.

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

WATER, PUBLIC: A potable water distribution system in which water is carried to individual lots or dwelling units by a system of pipes from a central source located beyond the limits of the individual lots being served which may be publicly or privately owned, but shall be approved by the Township.

WATER, PRIVATE: A system of piping, tanks or other facilities serving only a single lot from a primary source located within the limits of the lot being served.

WBCA: Pennsylvania Wireless Broadband Collection Act (53 P.S. §11702.1 et. seq.)

WELL OPERATOR OR OPERATOR: Any person, partnership, company, corporation and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas. The person designated as the well operator or operator on the permit application or well registration. If the owner is a separate entity than the operator, then the owner shall also be listed. Where a permit or registration was not issued, the term shall mean any person who locates, drills, operates, alters, or plugs any well or reconditions any well with the purpose of production there from. In cases where a well is used in connection with the underground storage of gas, the term also means a storage operator.

WELL SITE: Shall consist of the area occupied by any of the facilities, structures, and equipment associated with or incidental to the construction, drilling, fracturing, production, or operation of an oil or gas well. If multiple areas are used, then the total combined areas shall be considered the well site.

WELLHEAD: The precise point of entry into the ground where the drilling of a gas well takes place.

WHOLESALE BUSINESS: An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, or acting as a broker for such merchandise sales.

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

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

WIND ENERGY PRODUCTION FACILITY, LARGE: An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one (1) or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is considered a large wind energy production facility if it supplies electrical power solely for off-site use.

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

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

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

WIRELESS: Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

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

TYPES OF WIRELESS COMMUNICATIONS FACILITIES:

- **NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF):** All non-tower WCFs, including, but not limited to, antennae and related equipment. Non-tower WCF shall include support structures for antennae or any related equipment that is mounted to the ground or at ground-level.
- **TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF):** A structure that is used for the purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT OR APPLICANT): Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other Township-owned land or property.

WIRELESS COMMUNICATIONS FACILITY CO-LOCATION: The mounting of one (1) or more Wireless Communication Facility (WCFs), including antennae, on an existing tower-based WCF, or on any structure that already supports at least one (1) non-tower WCF.

WIRELESS COMMUNICATIONS FACILITY RELATED EQUIPMENT: Any piece of equipment related to, incident to, or necessary for, the operation of a tower-based WCF or non-tower WCF. By way of illustration, not limitation, “Related Equipment” includes generators and base stations.

WIRELESS COMMUNICATIONS FACILITY, SUBSTANTIAL CHANGE OF: A modification to an existing wireless communications facility substantially changes the physical dimensions of a tower or base station if it meets any of the following criteria: (1) for communications tower outside the public rights-of-way, it increases the height of the facility by more than ten percent (10%), or by the height of one (1) additional antenna array with separation from the nearest

existing antenna, not to exceed twenty (20) feet, whichever is greater; for communications towers in the rights-of-way it increases the height of the facility by more than ten percent (10%) or ten (10) feet, whichever is greater; (2) for communications tower outside the public rights-of-way, it protrudes from the edge of the WCF by more than twenty (20) feet, or more than width of the tower structures at the level off the appurtenance, whichever is greater; for those communications tower in the public rights-of-way, it protrudes from the edge of the structure by more than six (6) feet; (3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; (4) it entails any excavation of deployment outside the current site of the communications tower; or (5) it does not comply with conditions associated with prior approval of construction or modification of the communications tower unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

WIRELESS SUPPORT STRUCTURE: A freestanding structure, such as a tower-based WCF or any other support structure that could support the placement or installation of a WCF if approved by the Township.

WOODLANDS: Areas, groves or stands of mature or largely mature trees which are greater than six inches (6") caliper (diameter) at a height of fourteen inches (14") above the ground which cover a land area greater than one-quarter (.25) of an acre; or any grove of more than ten (10) individual trees which are mature having a caliper (diameter) greater than twelve inches (12") at a height of fourteen inches (14") above the ground.

YARD: A required open space located on a lot which is unobstructed by any portion of a principal structure, other than certain projection expressly permitted by this Ordinance.

YARD, FRONT: A yard extending between side lot lines across the full lot width from the street right-of-way line to a line parallel to the front lot line, the minimum horizontal distance required by this Ordinance.

YARD, SIDE: A yard extending from the required front building line to the rear lot line parallel to the side lot line, the minimum horizontal distance required by this Ordinance.

YARD, REAR: A yard extending across the rear of the lot between the required side yard lines parallel to the rear lot line, the minimum horizontal distance required by this Ordinance.

ZERO LOT LINE SINGLE FAMILY DWELLING: A single family detached dwelling that is located on or less than one (1) foot from a side property line, provided a minimum distance between single family dwellings on adjacency lots is maintained as specified by this Ordinance.

ZONING AMENDMENT: A change to the text of this Ordinance or to the Zoning District Map proposed for adoption by the Board of Supervisors pursuant to the procedures specified in this Ordinance.

ZONING APPROVAL: Approval of a conditional use by the Board of Supervisors, approval of a use by special exception by the Zoning Hearing Board or approval by the Zoning Officer of a permitted use by right, pursuant to the procedures of this Ordinance indicating compliance with all applicable requirements of this Ordinance, which approval is prerequisite to the issuance of a building permit and/or certificate of occupancy.

ZONING DISTRICT: An area accurately defined as to boundaries and location on the Zoning District Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this Ordinance.

ZONING DISTRICT MAP: The official map delineating the Zoning Districts of Shenango Township, Lawrence County, Pennsylvania, together with all amendments subsequently adopted which is incorporated in and made part of this Ordinance by reference thereto.

ZONING HEARING BOARD: The Zoning Hearing Board of the Township of Shenango, Lawrence County, Pennsylvania.

ZONING OFFICER: That person appointed by the Shenango Township Board of Supervisors and charged with the responsibility of administering and enforcing this Ordinance.

ARTICLE III

DISTRICT REGULATIONS

SECTION 300 ZONING DISTRICT MAP

The Township is hereby divided into Zoning Districts, as shown on the official Zoning District Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning District Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Township Secretary and certified by the Township Engineer, and shall bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number _____, as amended, of Shenango Township, Lawrence County, Pennsylvania," together with the date of adoption of this Ordinance.

All amendments affecting district boundaries shall be noted on the Official Zoning District Map by the Township Engineer, including the date of adoption, and shall be attested to by the Township Secretary.

No changes of any nature shall be made in the Official Zoning District Map or matter shown thereon except in conformity with the procedure set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Section 2001 of this Ordinance.

The Official Zoning District Map, which shall be located in the Township Municipal Building, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Township.

SECTION 301 ZONING DISTRICTS

The Township is divided into the districts set forth by this Ordinance and as shown by the district boundaries on the Official Zoning District Map. The Zoning Districts are:

- A-1 Agricultural District
- R-1 Rural Residential District
- R-2 Suburban Residential District
- R-3 Urban Residential District
- R-4 Multi-Use Residential District
- C-1 Community Commercial District
- C-2 Highway Commercial District
- I-P Industrial Park District
- M-1 General Industrial District

SECTION 302 DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District Map, the following rules shall apply:

- A. Boundaries indicated as appearing to follow the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as appearing to follow municipal limits shall be construed as following municipal limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow centerlines, and in the event of change in the location of streams, rivers and other bodies of water, shall be construed as moving with the actual body of water and following the centerline;
- F. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.

SECTION 303 GENERAL DISTRICT REGULATIONS

The following regulations shall apply in all Zoning Districts:

- A. In the R-1, R-2, R-3 and R-4 Districts, any use not specifically listed as an Authorized Use in the Zoning District shall not be permitted in that Zoning District.
- B. In the C-1, C-2, I-P and M-1 Districts, any use not specifically listed in the Authorized Uses for the Zoning District shall not be permitted in that Zoning District, unless such use is authorized by the Zoning Hearing Board as a use by special exception in accordance with the applicable express standards and criteria for “Comparable Uses Not Specifically Listed” specified in §1403.13 of this Ordinance.
- C. Accessory uses or structures which are customarily accessory to principal structures or uses which are authorized as conditional uses or uses by special exception shall be permitted as accessory uses by right.

- D.** In all Zoning Districts where single family dwellings or two family dwellings are an authorized use or are a legally nonconforming use, the single family dwelling or two family dwelling shall be the only principal structure on the lot.

- E.** In all Zoning Districts where authorized by this Ordinance, two (2) or more multifamily dwellings may occupy the same lot; two (2) or more nonresidential buildings may occupy the same lot; and two (2) or more authorized nonresidential uses may occupy the same building, provided, in all cases, that all applicable requirements for each of the structures or uses can be met on the lot.

- F.** In all Zoning Districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory.

ARTICLE IV
Former A-1 AGRICULTURAL DISTRICT
(New R-1 LOW DENSITY RESIDENTIAL DISTRICT)
(New MEO MINERAL EXTRACTION OVERLAY DISTRICT)

SECTION 400 PURPOSE

The purpose of the A-1, Agricultural District is to provide for agriculture and low density single family residential development in rural areas of the Township where public sewers are not available and to provide for accessory uses and compatible public and semi-public uses as conditional uses or uses by special exception.

SECTION 401 AUTHORIZED USES

In the A-1, Agricultural District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Agricultural Operations
- b. Barn
- c. Single Family Dwelling
- d. Mobile Home
- e. Forestry
- f. Grain Silos
- g. Natural Park
- h. Park
- i. Stable, Commercial
- j. Essential Services

2. Accessory Uses

- a. Accessory Agricultural Buildings
- b. Agricultural Operation, Accessory
- c. Carport
- d. Deck
- e. Fence
- f. Garage, Private
- g. Gazebo
- h. Hot Tub & Outdoor Spas
- i. No-Impact Home-Based Business
- j. Outdoor Hydronic Heater
- k. Patio

3. Accessory Uses, continued

- l.** Porch
- m.** Roadside Stand, Accessory
- n.** Shed
- o.** Solar Energy System, Small
- p.** Stable, Private (see "Accessory Agricultural Buildings")
- q.** Swimming Pool
- r.** Tennis/Basketball/Sports Courts
- s.** Trailer, Sales or Construction
- t.** Wind Energy System, Small

B. CONDITIONAL USES

1. Principal Uses

- a.** Airport, subject to §1616
- b.** Airport Control Tower
- c.** Animal Production
- d.** Bed & Breakfast Inn
- e.** Campground
- f.** Catering/Event Venue
- g.** Cemetery & Mausoleums
- h.** Commercial Recreation - Indoor
- i.** Commercial Recreation - Outdoor
- j.** Correctional Facility
- k.** Garden Center
- l.** Greenhouses/Nurseries
- m.** Kennel
- n.** Mineral Development
- o.** Mobile Home Park
- p.** Oil and Gas Compressor Station
- q.** Oil and Gas Processing Plant
- r.** Oil and Gas Well/Pad
- s.** Place of Worship

2. Accessory Uses

- a.** Day Care, Home-Based
- b.** Home Occupational Business
- c.** Temporary Use Structure, Accessory
- d.** Temporary Portable Storage Units
- e.** Any other Building or use that is customarily incidental to the permitted Principal Use or Principal Building.

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. None

2. Accessory Uses

a. None

D. SIGNS

1. Subject to Article VII: Signs

E. BILLBOARDS

1. Subject to Article VII: Signs

F. WIRELESS COMMUNICATION FACILITIES

1. Subject to Article IX: Wireless Communication Facilities

G. USES NOT LISTED

1. See Section 467: Uses Not Listed

H. OFF-STREET PARKING & LOADING

1. See Article VII: Parking

SECTION 402 AREA AND BULK REGULATIONS *NEED TO ADD MEO*

In the A-1, Agricultural District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIV.

A. MINIMUM LOT SIZE:

Principal Agricultural Uses: 10 acres

All Other Uses: 1 acre

B. MINIMUM LOT WIDTH: 90 feet

C. MAXIMUM HEIGHT: 35 feet

D. MINIMUM FRONT YARD: 25 feet

E. MINIMUM SIDE YARD: 20 feet

F. MINIMUM REAR YARD: 25 feet

G. MAXIMUM LOT COVERAGE: 30%

H. RESIDENTIAL ACCESSORY USE:

Minimum Rear Yard:	5 feet
Minimum Side Yard:	10 feet

ARTICLE V
Former R-1 RURAL RESIDENTIAL DISTRICT
(New R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT)

SECTION 500 PURPOSE

The purpose of the R-1, Rural Residential District is to preserve natural features and resources while encouraging low density single family residential development suited to the natural conditions and to provide for accessory uses and compatible public and semi-public uses as conditional uses or uses by special exception.

SECTION 501 AUTHORIZED USES

In the R-1, Rural Residential District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Ambulance Station
- b. Single Family Dwelling
- c. Mobile Home
- d. Essential Services
- e. Forestry
- f. Nature Preserve
- g. Park

2. Accessory Uses

- a. Accessory Agricultural Buildings
- b. Carport
- c. Deck
- d. Fence
- e. Garage, Private
- f. Gazebo
- g. Hot Tubs & Outdoor Spas
- h. No-Impact Home-Based Business
- i. Patio
- j. Porch
- k. Roadside Stand, Accessory
- l. Shed
- m. Solar Energy System, Small
- n. Stable, Private (see “accessory Agricultural Buildings”)
- o. Swimming Pool

3. Accessory Uses, continued

- p. Tennis/Basketball/Sports Courts
- q. Trailer, Sales or Construction
- r. Wind Energy System, Small

B. CONDITIONAL USES

1. Principal Uses

- a. Barn
- b. Retirement Housing Facility
- c. Cemetery & Mausoleums
- d. Commercial Recreation - Indoor
- e. Commercial Recreation - Outdoor
- f. Greenhouse/Nurseries
- g. Place of Worship

2. Accessory Uses

- a. Agricultural Operations, Accessory
- b. Day Care, Home-Based
- c. Home Occupational Business
- d. Outdoor Hydronic Heater
- e. Temporary Use Structure, Accessory
- f. Temporary Portable Storage Units
- g. Any Other Building or Use that is Customarily Incidental to the Permitted Principal Use or Principal Building.

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. None

2. Accessory Uses

- a. None

D. SIGNS

- 1. Subject to Article VII: Signs

E. BILLBOARDS

- 1. Subject to Article VII: Signs

F. WIRELESS COMMUNICATION FACILITIES

- 1. Subject to Article IX: Wireless Communication Facilities

G. USES NOT LISTED

- 1. See Section 467: Uses Not Listed

H. OFF-STREET PARKING & LOADING

- 1. See Article VII: Parking for Off Street Parking and Loading Requirements

SECTION 502 AREA AND BULK REGULATIONS

In the R-1, Rural Residential District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIV.

A. MINIMUM LOT SIZE:

With Public Sewers:	21,780 sq. ft.
Without Public Sewers:	1 acre

B. MINIMUM LOT WIDTH: 90 feet

C. MAXIMUM HEIGHT: 35 feet

D. MINIMUM FRONT YARD: 25 feet

E. MINIMUM SIDE YARD: 15 feet

F. MINIMUM REAR YARD: 25 feet

G. MAXIMUM LOT COVERAGE: 40%

H. RESIDENTIAL ACCESSORY USE:

Minimum Rear Yard:	5 feet
Minimum Side Yard:	10 feet

ARTICLE VI
Former R-2 SUBURBAN RESIDENTIAL DISTRICT
(New R-3 HIGH DENSITY RESIDENTIAL DISTRICT)
(New N-C NEIGHBORHOOD MIXED-USE COMMERCIAL DISTRICT)
(New S-C SPECIAL CONSERVATION DISTRICT)

SECTION 600 PURPOSE

The purpose of the R-2, Suburban Residential District is to encourage single family developments at suburban densities in locations in the Township where utilities and transportation facilities exist or are anticipated in the future; and to provide for accessory uses and compatible public and semi-public uses as conditional uses and uses by special exception.

SECTION 601 AUTHORIZED USES

In the R-2, Suburban Residential District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Single Family Dwelling
- b. Duplex
- c. Mobile Home
- d. Multifamily Dwelling
- e. Quadraplex
- f. Townhomes
- g. Essential Services
- h. Financial Institution
- i. Firestation
- j. Forestry
- k. Micro-Brewery
- l. Micro-Distillery
- m. Nature Preserve
- n. Office, Business Professional
- o. Park
- p. Place of Worship
- r. Restaurant, Neighborhood
- s. Retail Store

2. Accessory Uses

- a. Carport
- b. Deck

3. Accessory Uses, continued

- c. Fence
- d. Garage, Private
- e. Gazebo
- f. Hot Tubs & Outdoor Spas
- g. Loading Space/Berth
- h. No-Impact Home-Based Business
- i. Patio
- j. Porch
- k. Restaurant, Outdoor Dining
- l. Shed
- m. Solar Energy System, Small
- n. Swimming Pool
- o. Tennis/Basketball/Sports Courts
- p. Trailer, Sales or Construction
- q. Urban Agriculture, Accessory

B. CONDITIONAL USES

1. Principal Uses

- a. Adaptive Rescue
- b. Animal Day Care
- c. Animal Groomer
- d. Animal Hospitals and Veterinarian Services
- e. Automobile Repair Services
- f. Assisted Living Facility
- g. Boarding House
- h. Independent Living Facility
- i. Life Care Community
- j. Nursing Home
- k. Retirement Housing Facility
- l. Clubs/Lodges (Not Including Commercial Recreation Uses)
- m. Commercial Recreation - Indoor
- n. Commercial Recreation - Outdoor
- o. Convenience Store
- p. Conversion Dwelling
- q. Day Care, Adult
- r. Day Care, Child
- s. Group Care Facility
- t. Group Home
- u. Halfway House
- v. Mixed Use

2. Principal Uses, continued

- w. Multifamily Dwelling
- x. Quadraplex
- y. Townhomes
- z. Gas/Fuel Station
- aa. Landscape Business
- bb. Live-Work Units
- cc. Medical Offices
- dd. Personal Services
- ee. Pharmacy
- ff. Place of Worship
- gg. Recording Studio
- hh. Restaurant
- ii. Restaurant, Drive-in
- jj. Short-Term Rental, Principal
- kk. Tattoo Parlor
- ll. Tavern or Bar
- mm. Urban Agriculture, Principal

2. Accessory Uses

- a. Accessory Dwelling Unit
- b. Day Care, Home-Based
- c. Drive-Through Facilities
- d. Home Occupational Business
- e. Roadside Stand, Accessory
- f. Storage Building
- g. Temporary Use Structure, Accessory
- h. Temporary Portable Storage Units
- i. Any Other Buildings or Use that is Customarily Incidental to the Permitted principal use or Principal Building

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. None

2. Accessory Uses

- a. None

D. SIGNS

- 1. Subject to Article VII: Signs

E. BILLBOARDS

- 1. Subject to Article VII: Signs

F. WIRELESS COMMUNICATION FACILITIES

- 1. Subject to Article IX: Wireless Communication Facilities

G. USES NOT LISTED

- 1. See Section 467: Uses Not Listed

H. OFF-STREET PARKING & LOADING

- 1. See Article VII: Parking for Off Street Parking and Loading Requirements

SECTION 602 AREA AND BULK REGULATIONS (DISCREPANCIES BETWEEN R-3/N-C)

In the R-2, Suburban Residential District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIV.

A. MINIMUM LOT AREA:

Single Family Dwelling:	6,000 sq. ft.
Duplex & Townhomes:	7,260 sq. ft. per unit (6 units per acre)
Quadruplex & Multifamily Units:	1,210 sq. ft per unit (12 units per acre)

B. MINIMUM LOT WIDTH:

Single Family Dwelling:	50 feet
Duplex & Townhomes:	35 feet per unit
Quadruplex & Multifamily Units:	100 feet

C. MAXIMUM HEIGHT:

Single Family Dwelling:	35 feet
Duplex & Townhomes:	35 feet
Quadruplex & Multifamily Units:	35 feet

D. MINIMUM FRONT YARD:

Single Family Dwelling:	15 feet
Duplex & Townhomes:	15 feet
Quadruplex & Multifamily Units:	25 feet

E.	MINIMUM SIDE YARD:	15 feet
	Single Family Dwelling:	5 feet (Provided a 10 feet minimum between adjacent dwellings)
	Duplex & Townhomes:	10 feet
	Quadruplex & Multifamily Units:	20 feet
F.	MINIMUM REAR YARD:	
	Single Family Dwelling:	25 feet
	Duplex & Townhomes:	25 feet
	Quadruplex & Multifamily Units:	25 feet
G.	MAXIMUM LOT COVERAGE:	
	Single Family Dwelling:	50%
	Duplex & Townhomes:	65%
	Quadruplex & Multifamily Units:	75%
H.	RESIDENTIAL ACCESSORY USE:	
	Minimum Rear Yard	
	Single Family Dwelling:	5 feet
	Duplex & Townhomes:	5 feet
	Quadruplex & Multifamily Units:	5 feet
	Minimum Side Yard	
	Single Family Dwelling:	10 feet
	Duplex & Townhomes:	10 feet
	Quadruplex & Multifamily Units:	10 feet

ARTICLE VII
Former R-3 URBAN RESIDENTIAL DISTRICT
(New R-3 HIGH DENSITY RESIDENTIAL DISTRICT)
(New N-C NEIGHBORHOOD MIXED-USE COMMERCIAL DISTRICT)

SECTION 700 PURPOSE

The purpose of the R-3, Urban Residential District is to preserve established single family neighborhoods close to the city that have developed with urban densities and to provide for compatible public, semi-public and accessory uses as conditional uses or uses by special exception.

SECTION 701 AUTHORIZED USES

In the R-3, Urban Residential District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Single Family Dwelling
- b. Duplex
- c. Mobile Home
- d. Multifamily Dwelling
- e. Quadraplex
- f. Townhomes
- g. Essential Services
- h. Financial Institution
- i. Firestation
- j. Forestry
- k. Micro-Brewery
- l. Micro-Distillery
- m. Nature Preserve
- n. Office, Business Professional
- o. Park
- p. Place of Worship
- r. Restaurant, Neighborhood
- s. Retail Store

2. Accessory Uses

- a. Carport
- b. Deck
- c. Fence

3. Accessory Uses, continued

- d. Garage, Private
- e. Gazebo
- f. Hot Tubs & Outdoor Spas
- g. Loading Space/Berth
- h. No-Impact Home-Based Business
- i. Patio
- j. Porch
- k. Restaurant, Outdoor Dining
- l. Shed
- m. Solar Energy System, Small
- n. Swimming Pool
- o. Tennis/Basketball/Sports Courts
- p. Trailer, Sales or Construction
- q. Urban Agriculture, Accessory

B. CONDITIONAL USES

1. Principal Uses

- a. Adaptive Rescue
- b. Animal Day Care
- c. Animal Groomer
- d. Animal Hospitals and Veterinarian Services
- e. Automobile Repair Services
- f. Assisted Living Facility
- g. Boarding House
- h. Independent Living Facility
- i. Life Care Community
- j. Nursing Home
- k. Retirement Housing Facility
- l. Clubs/Lodges (Not Including Commercial Recreation Uses)
- m. Commercial Recreation - Indoor
- n. Commercial Recreation - Outdoor
- o. Convenience Store
- p. Conversion Dwelling
- q. Day Care, Adult
- r. Day Care, Child
- s. Group Care Facility
- t. Group Home
- u. Halfway House
- v. Mixed Use

2. Principal Uses, continued

- w. Multifamily Dwelling
- x. Quadraplex
- y. Townhomes
- z. Gas/Fuel Station
- aa. Landscape Business
- bb. Live-Work Units
- cc. Medical Offices
- dd. Personal Services
- ee. Pharmacy
- ff. Place of Worship
- gg. Recording Studio
- hh. Restaurant
- ii. Restaurant, Drive-in
- jj. Short-Term Rental, Principal
- kk. Tattoo Parlor
- ll. Tavern or Bar
- mm. Urban Agriculture, Principal

2. Accessory Uses

- a. Accessory Dwelling Unit
- b. Day Care, Home-Based
- c. Drive-Through Facilities
- d. Home Occupational Business
- e. Roadside Stand, Accessory
- f. Storage Building
- g. Temporary Use Structure, Accessory
- h. Temporary Portable Storage Units
- i. Any Other Buildings or Use that is Customarily Incidental to the Permitted principal use or Principal Building

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. None

2. Accessory Uses

- a. None

D. SIGNS

- 1. Subject to Article VII: Signs

E. BILLBOARDS

- 1. Subject to Article VII: Signs

F. WIRELESS COMMUNICATION FACILITIES

- 1. Subject to Article IX: Wireless Communication Facilities

G. USES NOT LISTED

- 1. See Section 467: Uses Not Listed

H. OFF-STREET PARKING & LOADING

- 1. See Article VII: Parking for Off Street Parking and Loading Requirements

SECTION 702 AREA AND BULK REGULATIONS (DISCREPANCIES BETWEEN R-3/N-C)

In the R-3, Urban Residential District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIV.

A. MINIMUM LOT AREA:

Single Family Dwelling:	6,000 sq. ft.
Duplex & Townhomes:	7,260 sq. ft. per unit (6 units per acre)
Quadruplex & Multifamily Units:	1,210 sq. ft per unit (12 units per acre)

B. MINIMUM LOT WIDTH:

Single Family Dwelling:	50 feet
Duplex & Townhomes:	35 feet per unit
Quadruplex & Multifamily Units:	100 feet

C. MAXIMUM HEIGHT:

Single Family Dwelling:	35 feet
Duplex & Townhomes:	35 feet
Quadruplex & Multifamily Units:	35 feet

D. MINIMUM FRONT YARD:

Single Family Dwelling:	15 feet
Duplex & Townhomes:	15 feet
Quadruplex & Multifamily Units:	25 feet

E.	MINIMUM SIDE YARD:	15 feet
	Single Family Dwelling:	5 feet (Provided a 10 feet minimum between adjacent dwellings)
	Duplex & Townhomes:	10 feet
	Quadruplex & Multifamily Units:	20 feet
F.	MINIMUM REAR YARD:	
	Single Family Dwelling:	25 feet
	Duplex & Townhomes:	25 feet
	Quadruplex & Multifamily Units:	25 feet
G.	MAXIMUM LOT COVERAGE:	
	Single Family Dwelling:	50%
	Duplex & Townhomes:	65%
	Quadruplex & Multifamily Units:	75%
H.	RESIDENTIAL ACCESSORY USE:	
	Minimum Rear Yard	
	Single Family Dwelling:	5 feet
	Duplex & Townhomes:	5 feet
	Quadruplex & Multifamily Units:	5 feet
	Minimum Side Yard	
	Single Family Dwelling:	10 feet
	Duplex & Townhomes:	10 feet
	Quadruplex & Multifamily Units:	10 feet

ARTICLE VIII
Former R-4 MULTI-USE RESIDENTIAL DISTRICT
(New R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT)

SECTION 800 PURPOSE

The purpose of the R-4, Multi-Use Residential District is to reserve areas for the development of a mix of housing types and higher density multifamily housing in the Township in appropriate locations which are served by public water and sewage and are located on arterial or collector roads close to shopping and community services and to provide for compatible public, semi-public and accessory uses as conditional uses or uses by special exception.

SECTION 801 AUTHORIZED USES

In the R-4, Multi-Use Residential District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Ambulance Station
- b. Single Family Dwelling
- c. Mobile Home
- d. Essential Services
- e. Forestry
- f. Nature Preserve
- g. Park

2. Accessory Uses

- a. Accessory Agricultural Buildings
- b. Carport
- c. Deck
- d. Fence
- e. Garage, Private
- f. Gazebo
- g. Hot Tubs & Outdoor Spas
- h. No-Impact Home-Based Business
- i. Patio
- j. Porch
- k. Roadside Stand, Accessory
- l. Shed
- m. Solar Energy System, Small
- n. Stable, Private (see “accessory Agricultural Buildings”)

3. Accessory Uses, continued

- o.** Swimming Pool
- p.** Tennis/Basketball/Sports Courts
- q.** Trailer, Sales or Construction
- r.** Wind Energy System, Small

B. CONDITIONAL USES

1. Principal Uses

- a.** Barn
- b.** Retirement Housing Facility
- c.** Cemetery & Mausoleums
- d.** Commercial Recreation - Indoor
- e.** Commercial Recreation - Outdoor
- f.** Greenhouse/Nurseries
- g.** Place of Worship

2. Accessory Uses

- a.** Agricultural Operations, Accessory
- b.** Day Care, Home-Based
- c.** Home Occupational Business
- d.** Outdoor Hydronic Heater
- e.** Temporary Use Structure, Accessory
- f.** Temporary Portable Storage Units
- g.** Any Other Building or Use that is Customarily Incidental to the Permitted Principal Use or Principal Building.

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a.** None

2. Accessory Uses

- a.** None

D. SIGNS

- 1.** Subject to Article VII: Signs

E. BILLBOARDS

- 1.** Subject to Article VII: Signs

F. WIRELESS COMMUNICATION FACILITIES

- 1. Subject to Article IX: Wireless Communication Facilities

G. USES NOT LISTED

- 1. See Section 467: Uses Not Listed

H. OFF-STREET PARKING & LOADING

- 1. See Article VII: Parking for Off Street Parking and Loading Requirements

SECTION 802 AREA AND BULK REGULATIONS

In the R-4, Multi-Use Residential District, all uses shall be subject to the following regulations, except as they may be modified by Article XIII governing Planned Residential Developments or by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIV.

A. MINIMUM LOT SIZE:

With Public Sewers:	21,780 sq. ft.
Without Public Sewers:	1 acre

B. MINIMUM LOT WIDTH: 90 feet

C. MAXIMUM HEIGHT: 35 feet

D. MINIMUM FRONT YARD: 25 feet

E. MINIMUM SIDE YARD: 15 feet

F. MINIMUM REAR YARD: 25 feet

G. MAXIMUM LOT COVERAGE: 40%

H. RESIDENTIAL ACCESSORY USE:

Minimum Rear Yard:	5 feet
Minimum Side Yard:	10 feet

ARTICLE IX
Former C-1 COMMUNITY COMMERCIAL DISTRICT
(New C-1 GENERAL COMMERCIAL DISTRICT)

SECTION 900 PURPOSE

The purpose of the C-1, Community Commercial District is to provide opportunities for commercial development which meets the general needs of the population within the regional market area for shopping and services and which allows for shopping centers on larger sites which have access to the regional highway network.

SECTION 901 AUTHORIZED USES

In the C-1, Community Commercial District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Ambulance Station
- b. Art Gallery
- c. Arts & Crafts Studio
- d. Automobile Repair and Service
- e. Bakery, Retail
- f. Beverage Distributor
- g. Car Wash
- h. Catering (Kitchen/Food Prep Only)
- i. Catering/Event Venue
- j. Clubs/Lodges (Not Including Commercial Recreation Uses)
- k. College/University
- l. Conference Center
- m. Construction-Related Business
- n. Convenience Store
- o. Custom Printing
- p. Day Care, Adult
- q. Day Care, Child
- r. Dormitories
- s. Emergency Operations Center
- t. Essential Services
- u. Extended Stay Hotel/Motel
- v. Farmers Market
- w. Financial Institution
- x. Fire Station
- y. Forestry

2. Principal Uses, continued

- z.** Funeral Home/Crematorium
- aa.** Garden Center
- bb.** Gas/Fuel Station
- cc.** Hotel
- dd.** Laboratory
- ee.** Landscape Business
- ff.** Laundromat
- gg.** Library
- hh.** Magistrate Office and Court
- ii.** Medical Offices
- jj.** Micro-Brewery
- kk.** Micro-Distillery
- ll.** Motel
- mm.** Municipal Building
- nn.** Office, Business Professional
- oo.** Park
- pp.** Park and Ride Facility
- qq.** Parking Lot, Commercial
- rr.** Parking Structure, Commercial
- ss.** Pawn Shop
- tt.** Personal Services
- uu.** Pharmacy
- vv.** Place of Worship
- ww.** Police Station
- xx.** Post Office
- yy.** Recording Studio
- zz.** Research and Development
- aaa.** Restaurant
- bbb.** Restaurant, Drive-in
- ccc.** Restaurant, Neighborhood
- ddd.** Retail Store
- eee.** Skilled Nursing Facility
- fff.** Tattoo Parlor
- ggg.** Tavern or Bar
- hhh.** Theatre
- iii.** Theatre, Drive-in

3. Accessory Uses

- a.** Amusement Arcade, Accessory
- b.** Community Food Bank
- c.** Drive-Through Facilities

4. Accessory Uses, continued

- d. Fence
- e. Loading Space/Berth
- f. No-Impact Home-Based Business
- g. Parking Structure, Accessory
- h. Restaurant, Outdoor Dining
- i. Supply Yard, Accessory
- j. Trailer, Sales or Construction

B. CONDITIONAL USES

1. Principal Uses

- a. After Hours Club
- b. Amusement Arcade
- c. Animal Day Care
- d. Animal Groomer
- e. Animal Hospitals and Veterinarian Services
- f. Aquarium/Zoo
- g. Bus or Truck Maintenance Facility
- h. Bus Terminal
- i. Casino and Gaming Facilities
- j. Commercial Motor Vehicle Repair
- k. Commercial Recreation - Indoor
- l. Commercial Recreation - Outdoor
- m. Community Center
- n. Distribution Center
- o. Flex Use Development
- p. Heavy Equipment Repair
- q. Hospital
- r. Manufacturing Facility, Light
- s. Massage Establishment
- t. Medical Clinic
- u. Medicinal Marijuana Dispensary
- v. Mixed-use
- w. Nightclub
- x. Recycling Business
- y. Roadside Stand, Principal
- z. Salt Storage Facility
- aa. Self-Storage Facility
- bb. Shopping Center
- cc. Supply Yard, Principal
- dd. Taxi and Limousine Service

2. Principal Uses, continued

- ee.** Temporary Use or Structure, Principal
- ff.** Vehicle Sales
- gg.** Vehicle Rental Facility
- hh.** Warehouse & Storage Services

3. Accessory Uses

- a.** Storage Building
- b.** Storage Yard, Accessory
- c.** Temporary Use Structure, Accessory
- d.** Temporary Portable Storage Units
- e.** Any Other Building or Use that is Customarily Incidental to the Permitted Principal Use or Principal Building.

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a.** None

2. Accessory Uses

- a.** None

D. SIGNS

- 1.** Subject to Article VII: Signs

E. BILLBOARDS

- 1.** Subject to Article VII: Signs

F. WIRELESS COMMUNICATION FACILITIES

- 1.** Subject to Article IX: Wireless Communication Facilities

G. USES NOT LISTED

- 1.** See Section 467: Uses Not Listed

H. OFF-STREET PARKING & LOADING

- 1.** See Article VII: Parking for Off Street Parking and Loading Requirements

SECTION 902 AREA AND BULK REGULATIONS

In the C-1, Community Commercial District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIV.

A. MINIMUM LOT SIZE:

Single Family Dwelling	
With Public Sewers:	10,890 sq. ft.
Without Public Sewers:	1 acre
Duplex & Townhomes:	7,260 sq. ft. per unit (6 units per acre)
Quadruplex & Multifamily Units:	1,210 sq. ft. per unit (12 units per acre)
All Other Nonresidential and Mixed Uses	
With Public Sewers:	20,000 sq. ft.
Without Public Sewers:	1 acre

B. MINIMUM LOT WIDTH:

Single Family Dwelling:	60 feet
Duplex & Townhomes:	35 feet per unit
Quadruplex & Multifamily Units:	100 feet
All Other Nonresidential and Mixed Uses:	100 feet

C. MAXIMUM HEIGHT:

Single Family Dwelling:	35 feet
Duplex & Townhomes:	35 feet
Quadruplex & Multifamily Units:	35 feet
All Other Nonresidential and Mixed Uses:	35 feet

D. MINIMUM FRONT YARD:

Single Family Dwelling:	25 feet
Duplex & Townhomes:	25 feet
Quadruplex & Multifamily Units:	25 feet
All Other Nonresidential and Mixed Uses:	25 feet

E. MINIMUM SIDE YARD:

Single Family Dwelling:	15 feet
Duplex & Townhomes:	15 feet
Quadruplex & Multifamily Units:	20 feet
All Other Nonresidential and Mixed Uses:	25 feet
Adjoining Any "R" District:	30 feet

F. MINIMUM REAR YARD:

Single Family Dwelling:	25 feet
Duplex & Townhomes:	25 feet
Quadruplex & Multifamily Units:	25 feet
All Other Nonresidential and Mixed Uses:	30 feet
Adjoining Any "R" District:	50 feet

G. MAXIMUM LOT COVERAGE:

Single Family Dwelling:	50%
Duplex & Townhomes:	60%
Quadruplex & Multifamily Units:	70%
All Other Nonresidential and Mixed Uses:	70%

H. RESIDENTIAL ACCESSORY USE:

Minimum Rear Yard:	
Single Family Dwelling:	5 feet
Duplex & Townhomes:	5 feet
Quadruplex & Multifamily Units:	5 feet
All Other Nonresidential and Mixed Uses:	N/A
Minimum Side Yard:	
Single Family Dwelling:	10 feet
Duplex & Townhomes:	10 feet
Quadruplex & Multifamily Units:	10 feet
All Other Nonresidential and Mixed Uses:	N/A

ARTICLE X
Former C-2 HIGHWAY COMMERCIAL DISTRICT
(New C-1 GENERAL COMMERCIAL DISTRICT)

SECTION 1000 PURPOSE

The purpose of the C-2, Highway Commercial District is to provide for commercial uses that depend on access to an arterial highway and that may require larger sites, that may generate truck traffic and that may not be appropriate in commercial areas devoted primarily to retail shopping in planned shopping centers.

SECTION 1001 AUTHORIZED USES

In the C-2, Highway Commercial District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Ambulance Station
- b. Art Gallery
- c. Arts & Crafts Studio
- d. Automobile Repair and Service
- e. Bakery, Retail
- f. Beverage Distributor
- g. Car Wash
- h. Catering (Kitchen/Food Prep Only)
- i. Catering/Event Venue
- j. Clubs/Lodges (Not Including Commercial Recreation Uses)
- k. College/University
- l. Conference Center
- m. Construction-Related Business
- n. Convenience Store
- o. Custom Printing
- p. Day Care, Adult
- q. Day Care, Child
- r. Dormitories
- s. Emergency Operations Center
- t. Essential Services
- u. Extended Stay Hotel/Motel
- v. Farmers Market
- w. Financial Institution
- x. Fire Station
- y. Forestry

2. Principal Uses, continued

- z.** Funeral Home/Crematorium
- aa.** Garden Center
- bb.** Gas/Fuel Station
- cc.** Hotel
- dd.** Laboratory
- ee.** Landscape Business
- ff.** Laundromat
- gg.** Library
- hh.** Magistrate Office and Court
- ii.** Medical Offices
- jj.** Micro-Brewery
- kk.** Micro-Distillery
- ll.** Motel
- mm.** Municipal Building
- nn.** Office, Business Professional
- oo.** Park
- pp.** Park and Ride Facility
- qq.** Parking Lot, Commercial
- rr.** Parking Structure, Commercial
- ss.** Pawn Shop
- tt.** Personal Services
- uu.** Pharmacy
- vv.** Place of Worship
- ww.** Police Station
- xx.** Post Office
- yy.** Recording Studio
- zz.** Research and Development
- aaa.** Restaurant
- bbb.** Restaurant, Drive-in
- ccc.** Restaurant, Neighborhood
- ddd.** Retail Store
- eee.** Skilled Nursing Facility
- fff.** Tattoo Parlor
- ggg.** Tavern or Bar
- hhh.** Theatre
- iii.** Theatre, Drive-in

3. Accessory Uses

- a.** Amusement Arcade, Accessory
- b.** Community Food Bank
- c.** Drive-Through Facilities

4. Accessory Uses, continued

- d. Fence
- e. Loading Space/Berth
- f. No-Impact Home-Based Business
- g. Parking Structure, Accessory
- h. Restaurant, Outdoor Dining
- i. Supply Yard, Accessory
- j. Trailer, Sales or Construction

B. CONDITIONAL USES

1. Principal Uses

- a. After Hours Club
- b. Amusement Arcade
- c. Animal Day Care
- d. Animal Groomer
- e. Animal Hospitals and Veterinarian Services
- f. Aquarium/Zoo
- g. Bus or Truck Maintenance Facility
- h. Bus Terminal
- i. Casino and Gaming Facilities
- j. Commercial Motor Vehicle Repair
- k. Commercial Recreation - Indoor
- l. Commercial Recreation - Outdoor
- m. Community Center
- n. Distribution Center
- o. Flex Use Development
- p. Heavy Equipment Repair
- q. Hospital
- r. Manufacturing Facility, Light
- s. Massage Establishment
- t. Medical Clinic
- u. Medicinal Marijuana Dispensary
- v. Mixed-use
- w. Nightclub
- x. Recycling Business
- y. Roadside Stand, Principal
- z. Salt Storage Facility
- aa. Self-Storage Facility
- bb. Shopping Center
- cc. Supply Yard, Principal
- dd. Taxi and Limousine Service

2. Principal Uses, continued

- ee.** Temporary Use or Structure, Principal
- ff.** Vehicle Sales
- gg.** Vehicle Rental Facility
- hh.** Warehouse & Storage Services

3. Accessory Uses

- a.** Storage Building
- b.** Storage Yard, Accessory
- c.** Temporary Use Structure, Accessory
- d.** Temporary Portable Storage Units
- e.** Any Other Building or Use that is Customarily Incidental to the Permitted Principal Use or Principal Building.

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a.** None

2. Accessory Uses

- a.** None

D. SIGNS

- 1.** Subject to Article VII: Signs

E. BILLBOARDS

- 1.** Subject to Article VII: Signs

F. WIRELESS COMMUNICATION FACILITIES

- 1.** Subject to Article IX: Wireless Communication Facilities

G. USES NOT LISTED

- 1.** See Section 467: Uses Not Listed

H. OFF-STREET PARKING & LOADING

- 1.** See Article VII: Parking for Off Street Parking and Loading Requirements

SECTION 1002 AREA AND BULK REGULATIONS

In the C-2, Highway Commercial District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIV.

A. MINIMUM LOT SIZE:

Single Family Dwelling	
With Public Sewers:	10,890 sq. ft.
Without Public Sewers:	1 acre
Duplex & Townhomes:	7,260 sq. ft. per unit (6 units per acre)
Quadruplex & Multifamily Units:	1,210 sq. ft. per unit (12 units per acre)
All Other Nonresidential and Mixed Uses	
With Public Sewers:	20,000 sq. ft.
Without Public Sewers:	1 acre

B. MINIMUM LOT WIDTH:

Single Family Dwelling:	60 feet
Duplex & Townhomes:	35 feet per unit
Quadruplex & Multifamily Units:	100 feet
All Other Nonresidential and Mixed Uses:	100 feet

C. MAXIMUM HEIGHT:

Single Family Dwelling:	35 feet
Duplex & Townhomes:	35 feet
Quadruplex & Multifamily Units:	35 feet
All Other Nonresidential and Mixed Uses:	35 feet

D. MINIMUM FRONT YARD:

Single Family Dwelling:	25 feet
Duplex & Townhomes:	25 feet
Quadruplex & Multifamily Units:	25 feet
All Other Nonresidential and Mixed Uses:	25 feet

E. MINIMUM SIDE YARD:

Single Family Dwelling:	15 feet
Duplex & Townhomes:	15 feet
Quadruplex & Multifamily Units:	20 feet
All Other Nonresidential and Mixed Uses:	25 feet
Adjoining Any "R" District:	30 feet

F. MINIMUM REAR YARD:

Single Family Dwelling:	25 feet
Duplex & Townhomes:	25 feet
Quadruplex & Multifamily Units:	25 feet
All Other Nonresidential and Mixed Uses:	30 feet
Adjoining Any "R" District:	50 feet

G. MAXIMUM LOT COVERAGE:

Single Family Dwelling:	50%
Duplex & Townhomes:	60%
Quadruplex & Multifamily Units:	70%
All Other Nonresidential and Mixed Uses:	70%

H. RESIDENTIAL ACCESSORY USE:

Minimum Rear Yard:	
Single Family Dwelling:	5 feet
Duplex & Townhomes:	5 feet
Quadruplex & Multifamily Units:	5 feet
All Other Nonresidential and Mixed Uses:	N/A
Minimum Side Yard:	
Single Family Dwelling:	10 feet
Duplex & Townhomes:	10 feet
Quadruplex & Multifamily Units:	10 feet
All Other Nonresidential and Mixed Uses:	N/A

ARTICLE XI
Former I-P INDUSTRIAL PARK DISTRICT
(New I-1 INDUSTRIAL AND MANUFACTURING DISTRICT)

SECTION 1100 PURPOSE

The purpose of the I-P, Industrial Park District is to encourage job creation and promote light industrial uses in a planned campus-style setting in appropriate locations consistent with sound planning and environmental controls.

SECTION 1101 AUTHORIZED USES

In the I-P, Industrial Park District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Automobile Repair and Service
- b. Brewery
- c. Bus or Truck Maintenance Facility
- d. Catering (Kitchen/Food Prep Only)
- e. Commercial Motor Vehicle Repair
- f. Construction-Related Business
- g. Custom Printing
- h. Distillery
- i. Distribution Center
- j. Essential Services
- k. Forestry
- l. Heavy Equipment Repair
- m. Laboratory
- n. Manufacturing Facility, Light
- o. Manufacturing Facility, Heavy
- p. Park
- q. Research and Development
- r. Supply Yard, Principal
- s. Towing/Road Services
- t. Warehouse & Storage Services

2. Accessory Uses

- a. Fence
- b. Loading Space/Berth
- c. No-Impact Home-Based Business

3. Accessory Uses, continued

- d. Storage Yard, Accessory
- e. Supply Yard, Accessory
- f. Trailer, Sales or Construction

B. CONDITIONAL USES

1. Principal Uses

- a. Asphalt/Concrete Plant
- b. Flea Market
- c. Hazardous Waste Recycling Facility
- d. Heliport Facility
- e. Manufactured Home Sales
- f. Medical Marijuana Grower/Processor
- g. Methadone Treatment Facility
- h. Power Generation Facility, Electric
- i. Railroad Facility
- j. Recycling Business
- k. Repossession Business
- l. Salt Storage Facility
- m. Salvage/Junk Yard
- n. Sewage Treatment Plant
- o. Sexually Oriented Businesses
- p. Solar Energy Facility, Large
- q. Solid Waste Combustor or Incinerator
- r. Solid Waste Landfill Facility
- s. Solid Waste Transfer Facility
- t. Storage Yard, Principal
- u. Tank Farms
- v. Taxi and Limousine Service
- w. Water Intake Wells
- x. Wind Energy Facility, Large

2. Accessory Uses

- a. Storage Building
- b. Temporary Use Structure, Accessory
- c. Temporary Portable Storage Units
- d. Any Other Buildings or Uses that is Customarily Incidental to the Permitted Principal Use or Principal Building.

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. None

2. Accessory Uses

a. None

D. SIGNS

1. Subject to Article VII: Signs

E. BILLBOARDS

1. Subject to Article VII: Signs

F. WIRELESS COMMUNICATION FACILITIES

1. Subject to Article IX: Wireless Communication Facilities

G. USES NOT LISTED

1. See Section 467: Uses Not Listed

H. OFF-STREET PARKING & LOADING

1. See Article VII: Parking for Off Street Parking and Loading Requirements

SECTION 1102 AREA AND BULK REGULATIONS

In the I-P, Industrial Park District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIV.

A. MINIMUM LOT SIZE:	40,000 sq. ft.
B. MINIMUM LOT WIDTH:	150 feet
C. MAXIMUM HEIGHT:	50 feet
D. MINIMUM FRONT YARD:	50 feet
E. MINIMUM SIDE YARD:	30 feet
F. MINIMUM REAR YARD:	50 feet
G. MAXIMUM LOT COVERAGE:	70%

ARTICLE XII
Former M-1 GENERAL INDUSTRIAL DISTRICT
(New I-1 INDUSTRIAL AND MANUFACTURING DISTRICT)

SECTION 1200 PURPOSE

The purpose of the M-1, General Industrial District is to encourage the continuation and revitalization of general industrial uses in those areas of the Township which have already been established for these uses.

SECTION 1201 AUTHORIZED USES

In the M-1, General Industrial District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Automobile Repair and Service
- b. Brewery
- c. Bus or Truck Maintenance Facility
- d. Catering (Kitchen/Food Prep Only)
- e. Commercial Motor Vehicle Repair
- f. Construction-Related Business
- g. Custom Printing
- h. Distillery
- i. Distribution Center
- j. Essential Services
- k. Forestry
- l. Heavy Equipment Repair
- m. Laboratory
- n. Manufacturing Facility, Light
- o. Manufacturing Facility, Heavy
- p. Park
- q. Research and Development
- r. Supply Yard, Principal
- s. Towing/Road Services
- t. Warehouse & Storage Services

2. Accessory Uses

- a. Fence
- b. Loading Space/Berth
- c. No-Impact Home-Based Business

3. Accessory Uses, continued

- d. Storage Yard, Accessory
- e. Supply Yard, Accessory
- f. Trailer, Sales or Construction

B. CONDITIONAL USES

1. Principal Uses

- a. Asphalt/Concrete Plant
- b. Flea Market
- c. Hazardous Waste Recycling Facility
- d. Heliport Facility
- e. Manufactured Home Sales
- f. Medical Marijuana Grower/Processor
- g. Methadone Treatment Facility
- h. Power Generation Facility, Electric
- i. Railroad Facility
- j. Recycling Business
- k. Repossession Business
- l. Salt Storage Facility
- m. Salvage/Junk Yard
- n. Sewage Treatment Plant
- o. Sexually Oriented Businesses
- p. Solar Energy Facility, Large
- q. Solid Waste Combustor or Incinerator
- r. Solid Waste Landfill Facility
- s. Solid Waste Transfer Facility
- t. Storage Yard, Principal
- u. Tank Farms
- v. Taxi and Limousine Service
- w. Water Intake Wells
- x. Wind Energy Facility, Large

2. Accessory Uses

- a. Storage Building
- b. Temporary Use Structure, Accessory
- c. Temporary Portable Storage Units
- d. Any Other Buildings or Uses that is Customarily Incidental to the Permitted Principal Use or Principal Building.

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. None

2. Accessory Uses

a. None

D. SIGNS

1. Subject to Article VII: Signs

E. BILLBOARDS

1. Subject to Article VII: Signs

F. WIRELESS COMMUNICATION FACILITIES

1. Subject to Article IX: Wireless Communication Facilities

G. USES NOT LISTED

1. See Section 467: Uses Not Listed

H. OFF-STREET PARKING & LOADING

1. See Article VII: Parking for Off Street Parking and Loading Requirements

SECTION 1202 AREA AND BULK REGULATIONS

In the M-1, General Industrial District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIV.

A. MINIMUM LOT SIZE:	40,000 sq. ft.
B. MINIMUM LOT WIDTH:	150 feet
C. MAXIMUM HEIGHT:	50 feet
D. MINIMUM FRONT YARD:	50 feet
E. MINIMUM SIDE YARD:	30 feet
F. MINIMUM REAR YARD:	50 feet
G. MAXIMUM LOT COVERAGE:	70%

ARTICLE XIII

PLANNED RESIDENTIAL DEVELOPMENT

SECTION 1300 PURPOSE

The purpose of these Planned Residential Development (PRD) regulations is to permit residential development which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical and efficient use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preserving the natural scenic qualities of open space.

SECTION 1301 APPLICABILITY AND RELATIONSHIP TO OTHER ORDINANCES

A Planned Residential Development shall be permitted in the R-4 District, subject to the standards, criteria, restrictions and procedures outlined in this Article.

The provisions of this Article for approval of a Planned Residential Development shall be a modification to and in lieu of procedures and criteria for approvals otherwise required in this Ordinance and the Township Subdivision and Land Development Ordinance. Failure to comply with the provisions of this Article with respect to a recorded Development Plan shall be deemed to constitute a violation of this Ordinance.

SECTION 1302 SITE AREA, OWNERSHIP, USE AND DENSITY REQUIREMENTS

1302.1 Site Area

In all cases, the minimum site required for a Planned Residential Development shall be thirty (30) contiguous acres. Public easements or rights-of-way and public or private streets shall not be construed as an interruption or division of a site proposed for a Planned Residential Development.

1302.2 Site Ownership

The site proposed for a Planned Residential Development shall be under single ownership and control. Prior to submitting an application for Tentative Approval, the applicant shall demonstrate that he is the landowner, as defined by this Ordinance. Legal, as well as equitable, ownership shall be demonstrated coincident with approval of the Final Development Plan.

1302.3 Dwelling Units Authorized

Any of the following dwelling units may be included in a Planned Residential Development:

- Single Family Dwelling
- Two Family Dwelling
- Triplex, Fourplex
- Townhouse
- Garden Apartment

The total number of single family dwellings and/or two family dwellings shall not exceed fifteen percent (15%) of the total number of dwelling units proposed in all phases of a Planned Residential Development.

1302.4 Recreational and Other Common Facilities for the Residents

In addition to the residential uses permitted in a Planned Residential Development, recreation facilities designed for the use of the residents of the Planned Residential Development shall be permitted, including, but not limited to, hiking, biking or exercise trails; tennis, paddle tennis, basketball, volleyball or other playing courts; swimming pool and related facilities; golf course or putting green; community building for meetings and social activities; picnic pavilions; other active and passive recreational uses deemed appropriate for the proposed residents of the Planned Residential Development by the Board of Supervisors.

1302.5 Maximum Dwelling Unit Density

Regardless of whether a Planned Residential Development is comprised of a mix of dwelling unit types or a single type of dwelling unit, the maximum dwelling unit density shall be ten (10) units per acre.

1302.6 Minimum Lot Area

In no case shall the minimum lot area otherwise required in the R-4 District for a single family dwelling or two family dwelling be reduced to less than the following minimum lot areas in a Planned Residential Development.

<u>Dwelling Type</u>	<u>Minimum Lot Area</u>
Single Family Dwelling	6,000 square feet
Two Family Dwelling	8,000 square feet

There shall be no minimum lot area required for triplex, fourplex, townhouse and garden apartment dwellings, provided all other applicable requirements of this Article are met.

1302.7 **Minimum Building Setback on the Perimeter of the Planned Residential Development Site**

No garden apartment, townhouse, triplex or fourplex shall be located closer to any boundary of the Planned Residential Development site than seventy-five (75) feet. All other structures shall be located at least fifty (50) feet from the boundary of the Planned Residential Development site. No accessory structure and no off-street parking shall be located in this required setback area.

1302.8 **Minimum Lot Width and Yard Requirements**

There shall be no minimum lot width, front yard, side yard or rear yard requirements in a Planned Residential Development, provided the perimeter setback, minimum lot area and dwelling unit density requirements of this Article are met. In approving an application for Tentative Approval of a Planned Residential Development, the Board of Supervisors may modify the otherwise applicable lot width and yard requirements of the R-4 Zoning District for the Planned Residential Development, provided the Board of Supervisors determines that the modifications requested in the application will contribute to a more beneficial use of the site and will make for a more efficient, attractive and harmonious Planned Residential Development and, further provided, that the approved plan for recording contains a notation regarding the approved requirements for each lot in the Planned Residential Development.

1302.9 **Distance Between Buildings**

Where two (2) or more principal buildings are proposed on one (1) lot, the minimum distance between the buildings shall be twenty (20) feet.

SECTION 1303 **ACCESS AND AVAILABILITY OF PUBLIC SERVICES**

1303.1 **Access and Traffic Control**

The site of a Planned Residential Development shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance. The projected traffic volumes associated with the proposed Planned Residential Development shall be capable of being accommodated by the adjacent street network. The developer shall demonstrate, by submission of a Traffic Study, as defined by this Ordinance, that the projected traffic from the Planned Residential Development shall not materially increase congestion and impair safety on adjacent public streets.

1303.2 **Public Water and Sewer Service**

All dwelling units in a Planned Residential Development shall be connected to a public water supply and public sanitary sewer service.

1303.3 Storm Drainage

The developer shall provide a storm drainage system within a Planned Residential Development which shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within the Planned Residential Development and shall be so constructed to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and the Township Stormwater Management Ordinance No. 2-1988, as amended.

SECTION 1304 COMMON OPEN SPACE

1304.1 Areas Required

Within a Planned Residential Development, common open space shall be provided in accordance with the following standards in locations that are consistent with probable usage. At least 1,000 square feet of common open space shall be provided for each dwelling unit and, of this area, at least 500 square feet per dwelling unit shall be developed and prepared for active recreational use. The remaining common open space shall be utilized for passive recreation or shall be maintained, in perpetuity, as common open space. In no case, however, shall the common open space be less than fifteen percent (15%) of the gross area of the Planned Residential Development site.

The common open space shall be conveyed to an organization representing the property owners of the Planned Residential Development. This organization shall covenant or obligate, in accordance with Section 705 of the Pennsylvania Municipalities Planning Code, to operate and maintain the land and facilities for their intended purposes. If the recreational area is distant from some or all of the dwelling units, additional parking spaces convenient to the recreational area shall be provided.

To the extent feasible, steep slopes, streams, lakes, ponds, woodlands and other environmentally sensitive areas shall be incorporated into the common open space.

1304.2 Protection of Common Open Space

Common open space in a Planned Residential Development shall be protected by adequate covenants running with the land or by conveyances or dedications. A Planned Residential Development shall be approved subject to the submission of a legal instrument or instruments setting forth a plan for the permanent care and maintenance of such common open space, recreational areas and other facilities owned in common. No such instrument shall be acceptable until approved by the Board of Supervisors as to legal form and effect. In cases where the Township will not be accepting dedications of streets, recreation areas or common open spaces, the developer shall provide for an organization or trust for ownership and maintenance of the common open space and common facilities.

1304.3 Common Open Space Maintenance

In the event that the organization established to own and maintain the common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all streets, driveways and recreational facilities, in reasonable order and condition in accordance with the Development Plan granted Final Approval, the Township may take remedial action to cause the common open space and common facilities to be properly maintained, as provided for in Section 705(f) of the Pennsylvania Municipalities Planning Code.

SECTION 1305 BUFFER AREAS

Buffer Area “A,” as defined in §1502.1 of this Ordinance shall be provided along all property lines on the perimeter of a Planned Residential Development site adjoining an A-1, R-1, R-2 or R-3 District.

Buffer Area “B,” as defined in §1502.1 of this Ordinance shall be provided along all other property lines on the perimeter of a Planned Residential Development.

SECTION 1306 ADMINISTRATION AND PROCEDURE

The Planned Residential Development provisions of this Ordinance shall be administered by the Board of Supervisors. The Planning Commission shall review all applications on the basis of the standards specified in this Article and make a recommendation to the Board of Supervisors. The Board of Supervisors shall conduct the public hearings required by the Pennsylvania Municipalities Planning Code and shall have the final authority to approve, approve with conditions or disapprove a Planned Residential Development.

1306.1 Pre-Application Conference

Prior to filing an application for Tentative Approval, the applicant or his representative may meet with Township officials to obtain application forms and to discuss application procedures and applicable ordinance requirements.

In addition, the developer may request a pre-application conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Township Zoning Officer at least five (5) calendar days prior to the regular meeting of the Planning Commission to request a pre-application conference with the Planning Commission.

The pre-application conference with the Planning Commission is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference which will show the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Maps prepared by the Lawrence County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U.S. Bureau of Mines coal mine maps.

A pre-application conference shall not constitute formal filing of any application for approval of a Planned Residential Development, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the pre-application conference and the official date of filing of an application for Tentative Approval of a Planned Residential Development under the terms of this Ordinance.

1306.2 Application for Tentative Approval

At least thirty (30) calendar days prior to the regular meeting of the Planning Commission, five (5) copies of an Application for the Tentative Approval shall be submitted. The application shall be in sufficient detail for the Planning Commission to determine compliance with the standards of this Article and shall contain, at a minimum, the following information:

- a. A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
- b. A written statement of planning objectives to be achieved by the Planned Residential Development through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development and its relationship to the immediate area in which it is to be located.
- c. A written statement setting forth the reasons why the proposed Planned Residential Development would be in the public interest and would be consistent with the Township's Comprehensive Plan.
- d. A written statement of the requested modifications to Township Zoning and Subdivision regulations otherwise applicable to the property, if any.
- e. A location map which clearly shows the location and area of the site proposed for development with relation to all lands, buildings and structures within two hundred (200) feet of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.

- f.** A Development Plan prepared at a scale no smaller than one inch equals fifty feet (1"=50') showing the following information:
- 1.** Existing contours at intervals of five (5) feet; watercourses; floodplains; wetlands; woodlands; soils; steep slopes; and other natural features.
 - 2.** Proposed lot lines and subdivision plat, if any.
 - 3.** The location of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units and dwelling unit density. Preliminary elevations and architectural renderings shall be provided.
 - 4.** The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
 - 5.** The existing and proposed vehicular circulation system of local and collector streets, including off-street parking areas, service areas, loading areas and major points of access from the Planned Residential Development to public rights-of-way.
 - 6.** The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system and proposed treatment for any points of conflict between the two (2) systems.
 - 7.** The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
 - 8.** Subsurface conditions, including slope stability.
 - 9.** A minimum of three (3) cross-sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, parking areas, walkways and existing woodlands.
 - 10.** A general landscaping plan indicating the treatment and materials proposed to be used in buffer areas and common areas on the site.
 - 11.** Evidence of compliance with the Environmental Performance Standards of §1501.1 of this Ordinance.
 - 12.** Information required by the Township Subdivision and Land Development Ordinance for a Preliminary Plan, including application filing and application review fees, and any other additional information required to determine compliance with the requirements of this Article.

- g. In the case of development plans which call for development over a period of years, a schedule for phasing the development shall be provided. This phasing schedule shall be reviewed annually with the Planning Commission on the anniversary of Tentative Approval or as each phase is completed, whichever occurs first.

1306.3 Review of Application

The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant specifying the defects in the application and returning the application for resubmission. If a revised application is resubmitted within sixty (60) days of the date of the written notice from the Zoning Officer, an application filing fee shall not be required. Any application submitted after sixty (60) days shall be considered a new application and shall be accompanied by the required application filing fee.

If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the Official Date of Filing. Within five (5) days of receipt of a complete and properly filed application, the Zoning Officer shall transmit a copy to the Lawrence County Planning Commission for review and comment and shall refer the application to the Township Planning Commission for review and recommendation.

If, during review by the Planning Commission, the applicant revises the application to address comments from the Planning Commission or to demonstrate compliance with this Ordinance, a new application shall not be required. If, during review by the Planning Commission, the applicant initiates revisions to the application which are not the result of Planning Commission comments and which are not mandated to demonstrate compliance with this Ordinance, the applicant shall withdraw the application and submit a new application which shall be subject to the payment of the required application filing fee.

The Planning Commission shall forward a written recommendation on the application for Tentative Approval to the Board of Supervisors in time for the Board of Supervisors public hearing required by §1306.4 of this Ordinance.

1306.4 Public Hearing

Within sixty (60) days following the official date of filing of an application for Tentative Approval of a Planned Residential Development which contains all of the required documentation, a public hearing pursuant to public notice shall be held by the Board of Supervisors. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

The public hearing shall be conducted in the manner prescribed in Article IX of the Pennsylvania Municipalities Planning Code and all references to the Zoning Hearing Board in Article IX shall apply to the Board of Supervisors. The public hearing may be continued, however, all hearings shall be concluded within sixty (60) days after the date of the first public hearing.

The Township may offer mediation as an aid in completing these proceedings, provided that, in exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1909.

1306.5 Tentative Approval

Within sixty (60) days following the conclusion of the public hearings, the Board of Supervisors shall, by official written communication, either:

- a. Grant Tentative Approval of the Development Plan, as submitted;
- b. Grant Tentative Approval of the Development Plan, subject to specified conditions not included in the Development Plan as submitted; or
- c. Deny Tentative Approval.

Failure to act within said period shall be deemed to be a grant of Tentative Approval of the Development Plan as submitted. In the event, however, that Tentative Approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors, notify the Board of Supervisors of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied Tentative Approval of the Development Plan. In the event the landowner does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions, Tentative Approval of the Development Plan, with all said conditions, shall stand as granted.

SECTION 1307 CRITERIA FOR TENTATIVE APPROVAL

The Board of Supervisors shall grant Tentative Approval if and only if all applicable requirements of this Article are met and all of the following criteria are met:

1307.1

The proposed application for Tentative Approval complies with all standards, restrictions, criteria, requirements, regulations and procedures of this Ordinance; preserves the Community Development Objectives of this Ordinance; and is found by the Board of Supervisors to be compatible with the public interest and consistent with the Township's Comprehensive Plan.

1307.2

Where the proposed application for Tentative Approval provides standards which vary from this Ordinance and the Township Subdivision and Land Development Ordinance otherwise applicable to the subject property, such departure shall promote protection of the environment, and public health, safety and welfare and shall be in the public interest.

1307.3

The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this Ordinance and the amount and extent of improvements within the common open space are appropriate with respect to the purpose, use and type of the residential development proposed.

1307.4

The physical design of the proposed Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.

1307.5

The proposed Development Plan is beneficially related to the immediate area in which it is proposed to be located.

1307.6

The proposed Development Plan will afford adequate protection of natural watercourses, wetlands, topsoil, woodlands, steep slopes and other natural features and will prevent erosion, landslides, siltation and flooding.

1307.7

In the case of a Development Plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interests of the public and of the residents of the Planned Residential Development in the integrity of the Final Development Plan.

SECTION 1308 APPLICATION FOR FINAL APPROVAL

After the Development Plan is granted Tentative Approval by the Board of Supervisors, the developer shall submit the application for Final Approval which shall consist of detailed plans for any phase or section of the Development Plan. No building permit shall be issued until Final Approval has been granted by the Board of Supervisors for the phase or section in which the proposed development is located. Final Approval for any phase or section shall expire if construction is not initiated for the phase or section within one (1) year of the date of Final Approval of the phase or section by the Board of Supervisors.

1308.1 Review of Application

The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and property filed, written notice shall be provided to the applicant specifying the defects in the application and returning the application for resubmission.

If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the Official Date of Filing. Within five (5) days of receipt of a complete and properly filed application, the Zoning Officer shall refer the application to the Township Planning Commission for review and recommendation.

Within thirty-five (35) days of receipt of a complete and properly filed application for Final Approval, the Planning Commission shall forward a written recommendation to the Board of Supervisors.

A public hearing on an application for Final Approval shall not be required, provided the development plan is in compliance with the development plan given Tentative Approval and with any specified conditions attached thereto.

1308.2

In the event that an application for Final Approval has been filed, together with all drawings, specifications and other documentation in support thereof, in accordance with the requirements of this Ordinance and the official written communication granting Tentative Approval, the Board of Supervisors shall, within forty-five (45) days of the official date of filing, grant Final Approval to the Development Plan.

1308.3

In the event that the development plan submitted contains variations from the development plan granted Tentative Approval, the Board of Supervisors may refuse to grant Final Approval and may, within forty-five (45) days of the Official Date of Filing of the application for Final Approval, advise the applicant, in writing, of said refusal, setting forth in said notice the reasons why one (1) or more of the variations are not in the public interest. In the event of such refusal, the landowner may either:

1. Refile the Application for Final Approval without the variations objected; or
2. File a written request with the Board of Supervisors that it hold a public hearing on the Application for Final Approval.

If the landowner wishes to take either alternate action, he may do so at any time within which he shall be entitled to apply for Final Approval, or within thirty (30) additional days, if the time for applying for Final Approval shall have already passed at the time when the landowner was advised that the Development Plan was not in substantial compliance.

If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the Development Plan.

1308.4

Any public hearing held on an Application for Final Approval shall be held pursuant to public notice within thirty (30) days after the request for the hearing is made by the landowner and the hearing shall be conducted in the manner prescribed in §1306.4 for public hearings on an application for Tentative Approval. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

Within thirty (30) days after the conclusion of the public hearing, the Board of Supervisors shall, by official written communication, either grant or deny Final Approval. The grant or denial of Final Approval of the Development Plan shall, in cases where a public hearing is required, be in the form and contain the findings required for an application for Tentative Approval.

1308.5

Changes in the location and siting of buildings and structures deemed minor by the Board of Supervisors may be authorized without additional public hearings, if required by engineering or other circumstances not foreseen at the time of Tentative Approval. However, dwelling unit density for the entire PRD site established at the time of Tentative Approval shall not be changed without a public hearing.

1308.6

The application for Final Approval shall comply with all applicable ordinance provisions and the Development Plan shall include, as a minimum, the following information:

- a.** All data required by the Township Subdivision and Land Development Ordinance for a Final Plan, including application filing, application review and inspection fees.
- b.** Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.
- c.** The number of families to be housed in each building or structure and the intended use of each building or structure.
- d.** Building elevation drawings for all principal structures, other than single family dwellings.
- e.** A lighting plan, showing the location, height and type of any exterior lighting fixtures proposed and a photometric plan showing the distribution of lighting on the site and at the site boundaries.
- f.** A Landscaping Plan, as defined by this Ordinance, including the location and types of materials of sidewalks, trails and recreation facilities authorized by this Ordinance.
- g.** Supplementary data, including any covenants, grants of easements or other restrictions to be imposed on the use of the land, building and structures and for the organization proposed to own, maintain and operate the common open space facilities.
- h.** An engineering report which shall include the following data, wherever applicable:
 - 1.** Profiles, cross-sections and specifications for proposed public and private streets.
 - 2.** Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers.
 - 3.** Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.
- i.** A grading plan prepared in compliance with the requirements of the Township Grading Ordinance.

- j. An Erosion and Sedimentation Control Plan which shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation, including but not limited to, the following:
 - 1. The topographic features of the site;
 - 2. The types, depth, slope and extent of the soils by area;
 - 3. The proposed alterations to the site;
 - 4. The amount of runoff from the site area and the upstream watershed;
 - 5. The staging of earthmoving activities;
 - 6. Temporary control measures and facilities during earthmoving;
 - 7. Permanent control measures and facilities for long-term protection;
 - 8. A maintenance program for the control facilities, including disposal of materials removed from the control facilities or site area.

- k. A stormwater management plan prepared in compliance with the requirements of the Township Stormwater Management Ordinance.

1308.7

A Final Development Plan, or any part thereof, which has been granted Final Approval shall be so certified without delay by the Board of Supervisors and shall be filed of record in the Office of the Recorder of Deeds before any development shall take place in accordance therewith. Approval for recording shall be subject to posting of the financial security required by the Township Subdivision and Land Development Ordinance for public and private improvements in the Development Plan.

1308.8

In the event that a Development Plan, or section thereof, is given Final Approval and thereafter the landowner shall abandon such plan, or section thereof, that has been finally approved, and shall so notify the Board of Supervisors in writing; or, in the event that the landowner shall fail to commence and carry out the Planned Residential Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after Final Approval has been granted, no development or further development shall take place on the property included in the Development Plan until after said property is reclassified by enactment of an amendment to the Township Zoning Ordinance.

ARTICLE XIV

**EXPRESS STANDARDS AND CRITERIA FOR GRANTING CONDITIONAL USES AND USES BY
SPECIAL EXCEPTION**

SECTION 1400 APPLICABILITY

The following procedures shall apply to all applicants for approval of a conditional use or use by special exception in all Zoning Districts.

SECTION 1401 PROCEDURE FOR APPROVAL

1401.1 Approval of Conditional Use

The Board of Supervisors shall hear and decide requests for conditional uses; however, the Board of Supervisors shall not approve a conditional use application unless and until:

- a. A written application for conditional use approval is submitted to the Zoning Officer no less than ten (10) working days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of the Ordinance under which conditional use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:
 1. A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 2. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 3. A Traffic Study, as defined by this Ordinance, for the following proposed conditional uses:
 - [a] Any proposed use which involves the construction of fifty (50) or more multifamily dwellings.
 - [b] Any proposed use in the C-1, C-2, I-P or M-1 District which involved the construction of a new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more.
 4. The application fee required by Section 2009 of this Ordinance.

- b. A written recommendation is received from the Township Planning Commission or thirty (30) days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.
- c. A public hearing is conducted by the Township Supervisors pursuant to public notice and said hearing is scheduled no more than sixty (60) days following the official date of a complete and properly filed application.
- d. The Township Supervisors shall render a written decision within forty-five (45) days after the last public hearing. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon. Conclusions based on any provisions of this Ordinance or any other applicable rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- e. In considering an application for conditional use approval, the Township Supervisors may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which conditional use approval is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2001 of this Ordinance.
- f. If land development plan approval is required for the conditional use, the application for conditional use approval and the application for approval of a land development plan required by the Township Subdivision and Land Development Ordinance may be processed concurrently provided all application requirements of both Ordinances for a conditional use and land development plan are met.

1401.2 Expiration of Conditional Use Approval

Conditional use approval shall expire automatically without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval, unless the Board of Supervisors, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

1401.3 Approval of Uses by Special Exception

The Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall not approve an application for a use by special exception unless and until:

- a.** A written application for approval of a use by special exception is submitted to the Zoning Officer. The application shall indicate the Section of this Ordinance under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:

 - 1.** A current property survey indicating all existing and proposed structures and all proposed construction, additions or alteration on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 - 2.** A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 - 3.** A Traffic Study, as defined by this Ordinance, for the following proposed uses by special exception:

 - [a]** Any proposed use in the C-1, C-2, I-P and M-1 Districts which involved the construction of any new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more.
 - 4.** The application fee required by Section 2009 of this Ordinance.
- b.** A public hearing pursuant to public notice is conducted by the Zoning Hearing Board within sixty (60) days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by Section 1907 of this Ordinance.
- c.** In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2001 of this Ordinance.
- d.** If land development approval is required for the use by special exception, the application for approval of the use by special exception and the application for approval of a land development required by the Township Subdivision and Land Development Ordinance may be processed concurrently provided all application requirements of both Ordinance for a use by special exception and a land development plan are met.

1401.4 Expiration of Approval of a Use By Special Exception

Approval of a use by special exception shall expire automatically without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within twelve (12) months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

SECTION 1402 GENERAL STANDARDS

In addition to the specific standards and criteria listed for each use in Section 1403, below, all applications for conditional uses and uses by special exception listed in each Zoning District shall demonstrate compliance with all of the following general standards and criteria:

- a. The use shall not endanger the public health, safety or welfare nor deteriorate the environment, as a result of being located on the property where it is proposed.
- b. The use shall comply with the Performance Standards of Section 1501 of this Ordinance.
- c. The use shall comply with all applicable requirements of Article XVI governing parking and loading, Article XVII governing signs, Section 1502 governing screening and landscaping and Section 1509 governing storage.
- d. Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.
- e. Outdoor lighting, if proposed, shall be shielded and reflected away from residential properties and public streets.
- f. For all uses which are subject to the requirements of the Americans with Disabilities Act (ADA), the applicant shall certify that all applicable ADA requirements have been met in the design.

SECTION 1403 STANDARDS FOR SPECIFIC USES

In addition to the general standards and criteria for all conditional uses and uses by special exception listed in Section 1402, above, an application for any of the following uses which are listed in any Zoning District as a conditional use or use by special exception shall comply with applicable standards and criteria specified below for that use.

1403.1 **Accessory Dwelling Unit, subject to:**

a.

1403.2 **Adaptive Reuse, subject to:**

a.

1403.3 **Adult Businesses, subject to:**

- a. Adult businesses shall not be permitted in any Zoning District other than the M-1, General Industrial District.

- b. An adult business shall not be located within one thousand (1,000) feet of a church; public or private pre-elementary, elementary or secondary school; public library; day care center or nursery school; or public park adjacent to any residential district measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of any of the above listed uses.

- c. An adult business shall not be located within one thousand (1,000) feet of any other adult business measured in a straight line from the closest exterior wall of the building or structure in which each adult business is located.

- d. No more than one (1) adult business shall be located in the same building, structure or portion thereof, nor shall any adult business increase its floor area into any building, structure or portion thereof containing another adult business.

- e. An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult businesses permit of a church, public or private pre-elementary, elementary or secondary school, public library, day care center or nursery school or public park within one thousand (1,000) feet. This provision applies only to the renewal of a valid permit and shall not apply when an application for a permit is submitted after a permit has expired or has been revoked.

- f. Any adult business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (150) square feet of floor space, a film or video cassette or other video or image production or reproduction which

depicts nudity or sexual conduct, as defined herein, shall comply with the following:

1. At least one (1) employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
2. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this Subsection shall be by direct line of sight from the manager's station.
3. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises which has been designated in the application submitted to the Township as an area in which patrons will not be permitted.
4. No viewing room shall be occupied by more than one (1) person at any time. No connections or openings to an adjoining viewing room shall be permitted.
5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.
6. If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and the viewing area shall not be accessible to the performers, nor shall the performers have easy access to the viewers present.

7. Liquor or intoxicating beverages shall not be sold on the premises for which the permit is sought.
8. The applicant shall agree to renew the Certificate of Occupancy annually in accordance with the requirements contained in §2005.7 of this Ordinance.

1403.4 After Hours Club, subject to:

a.

1403.5 Agricultural Operations, Accessory, subject to:

a.

1403.6 Airport, subject to:

- a. The site shall have frontage on and direct vehicular access to an arterial or collector street.
- b. All airports and aircraft landing facilities shall be subject to the airport zoning regulations as now or hereafter adopted or amended by the Township.
- c. The minimum site required for all such facilities, except private use helipads, shall be five (5) acres. Private use helipads shall be authorized only as an accessory use and shall be subject to the minimum site area requirements for the principal use.
- d. All airports and aircraft landing fields, including private use helipads, shall show evidence of compliance with all Federal Aviation Administration (FAA) and Pennsylvania Department of Transportation (PENN DOT) Bureau of Aviation and any other applicable regulatory agency.
- e. Aircraft maintenance facilities shall show proof of filing of applications for permits from and evidence of compliance with all applicable Federal and Pennsylvania Department of Environmental Protection (PA DEP) regulations governing the storage and disposal of fuel, oil and hazardous materials.
- f. The site shall be completely enclosed by a security fence which is at least eight (8) feet in height.

- g. Approach and departure shall be designed to minimize noise impact on adjacent residential properties, subject to the requirements of the Federal Aviation Administration (FAA).
- h. The perimeter of the site shall be buffered by a combination of earthen mounds and landscaping to minimize the noise and visual impacts on any adjoining properties.
- i. Buffer Area "A", as defined in §1502.1 of this Ordinance shall be provided along any property line adjoining property in an R-1, R-2, R-3 or R-4 District.

1403.7 Airport Control Tower, subject to:

- a.

1403.8 Amusement Arcade, subject to:

- a.

1403.9 Amusement Park, subject to:

- a.

1403.10 Animal Day Care, subject to:

- a.

1403.11 Animal Groomer, subject to:

- a.

1403.12 Animal Hospitals and Veterinarian Services, subject to:

- a.

1403.13 Animal Production, subject to:

- a.

1403.14 Aquarium/Zoo, subject to:

- a.

1403.15 Asphalt/Concrete Plant, subject to:

a.

1403.16 Assisted Living Facility, subject to:

a.

1403.17 Auditorium, subject to:

a.

1403.18 Automobile Service Station, subject to:

- a. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
- b. All car washing areas shall discharge into public sanitary sewers.
- c. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or opaque fence.
- d. All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public right-of-way.
- e. Canopies over gasoline pumps shall be subject to the requirements of §1503.3(h) of this Ordinance.
- f. All fuel, oil and similar substances shall be stored at least twenty-five (25) feet from any property line.
- g. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2001 of this Ordinance.
- h. Buffer Area "B", as defined by §1502.1 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.

1403.19 Barn, subject to:

- a.

1403.20 Bed & Breakfast Inn, subject to:

- a.

1403.21 Billboards, subject to:

- a. All billboards shall be subject to the express standards and criteria contained in Section 1706 of this Ordinance.

1403.22 Boarding House, subject to:

- a.

1403.23 Bus or Truck Maintenance Facility, subject to:

- a.

1403.24 Bus Terminal, subject to:

- a.

1403.25 Campground; Recreational Vehicle Park, subject to:

- a. The minimum site required shall be ten (10) acres.
- b. The minimum berth or parking space assigned to each camper or recreational vehicle shall be at least 1,500 square feet in area and shall not be less than thirty (30) feet in width.
- c. Electric, water and sanitary facilities shall be provided on the site. Water and sanitary facilities shall meet the requirements of the Pennsylvania Department of Environmental Protection (PA DEP).
- d. Permanent foundations for recreational vehicles shall not be required.
- e. The perimeter of the campground or recreational vehicle park shall be screened by a Buffer Area "B", as defined by §1502.1 of this Ordinance.
- f. A perimeter setback of one hundred (100) feet shall be maintained along

all exterior property lines of the site in which no structures or vehicle parking of any kind shall be permitted.

- g.** No recreational vehicle shall be occupied as a permanent year-round residence.
- h.** Recreational facilities and service facilities appropriate to the size of the park shall be provided by the operator, subject to approval by the Township. Facilities which may be proposed include picnic areas, fishing areas, tot lots, ballfields, campfire areas or outdoor fireplaces and other outdoor recreational facilities, restrooms, showers, laundry facilities, sale of gasoline and convenience items, gamerooms, video rental and similar services directly related to the travel and recreation needs of the campers. These facilities shall be centrally located on the site and shall not be located within two hundred (200) feet of any side or rear property line which adjoins property in an A-1, R-1, R-2, R-3 or R-4 District.

1403.26 Car Wash, subject to:

- a.** All automated washing facilities shall be in a completely enclosed building, as defined by this Ordinance. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.
- b.** Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.
- c.** Standing spaces shall be provided in accordance with the requirements specified in Section 1506 for drive-through facilities.
- d.** The facility shall be connected to public sanitary and storm sewers.
- e.** Driveway entrances shall be located at least thirty (30) feet from the right-of-way line of the intersection of any public streets.
- f.** Any car wash which also dispenses gasoline shall meet all applicable requirements of §1403.4 governing automobile service stations.

1403.27 Casino and Gaming Facilities, subject to

- a.**

1403.28 Catering/Event Venue, subject to:

- a.**

1403.29

Cemetery & Mausoleums, subject to:

- a. A minimum site of ten (10) acres shall be required.
- b. A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
- c. A ground water study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application.
- d. Plans for ingress/egress to the site shall be referred to the Township Police Department for comments regarding public safety.
- e. All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B", as defined by §1502.1 of this Ordinance.
- f. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements for places of public assembly specified in Article XVI.
- g. All maintenance equipment shall be properly stored in an enclosed building when not in use.
- h. Burial sites or burial structures shall not be located within one hundred (100) feet of any property line adjoining residential use or zoning classification.

1403.30

Churches, Schools, including Post Secondary Schools, Firehouses and Public Buildings, subject to:

- a. The minimum lot area required for a Post Secondary School shall be ten (10) acres. The minimum lot area required for all other uses shall be one (1) acre.
- b. If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than ten (10) persons shall be housed.
- c. A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of this Ordinance for single family dwellings in the Zoning District can be met in addition to the minimum lot area, width and yard requirements applicable to the church.
- d. If the school includes dormitories, the dormitories shall be screened

along any property line adjoining single family use or zoning classification by Buffer Area "C", as defined by §1502.1 of this Ordinance.

- e. Ingress and egress to and from police and fire stations shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.
- f. Fire stations, police stations and municipal maintenance facilities shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
- g. All schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by fire-fighting equipment.
- h. All outside storage shall be screened from public view from the streets and adjoining properties by a six (6) foot hedge or opaque fence.
- i. The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.

1403.31 Clubs/Lodges (Not Including Commercial Recreation Uses), subject to:

- a.

1403.32 Cluster Subdivision, subject to:

- a. The minimum site area required for cluster subdivision shall be ten (10) acres.
- b. The only permitted principal use in a cluster subdivision shall be a single family dwelling.
- c. The minimum lot area required in the Zoning District in which the site is located may be reduced by no more than twenty-five percent (25%) provided the total area resulting from the difference between the minimum lot area otherwise required in the District and the minimum lot areas proposed in the cluster subdivision be dedicated as common open space.
- d. Restrictive covenants shall be recorded guaranteeing in perpetuity that the common open space shall be preserved and maintained and shall not be disturbed or altered by any grading or construction other than the

removal of any dead or diseased trees or the construction of recreational facilities to serve the residents of the cluster subdivision.

- e. A homeowners' association or similar organization comprised of owners in the plan shall be established to own and maintain the common open space. Failure to maintain the common open space shall be subject to the enforcement procedures specified in Section 705(f) of the Pennsylvania Municipalities Planning Code.
- f. Natural features such as steep slopes, wetlands, streams, lakes, ponds or woodlands shall be incorporated in the common open space.
- g. The minimum lot width otherwise required in the Zoning District may be reduced by no more than twenty-five percent (25%).
- h. The minimum required front, side and rear yard requirements otherwise applicable in the Zoning District may be reduced commensurate with the lot area reductions authorized by the Board of Supervisors.
- i. The cluster subdivision shall be subject to all other applicable standards of the Township Subdivision and Land Development Ordinance.

1403.33

Commercial Communications Tower, subject to:

- a. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a commercial communications tower.
- b. Any applicant proposing a new freestanding commercial communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna on an existing building or other structure or an existing commercial communications tower. A good faith effort shall require that all owners within a one-quarter (1/4) mile radius of the proposed site be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building or communications tower or other structure apply:
 - 1. The proposed equipment would exceed the structural capacity of the existing building, commercial communications tower or other structure and reinforcement of the existing building, tower or other structure cannot be accomplished at a reasonable cost.
 - 2. The proposed equipment would cause RF (Radio Frequency)

interference with other existing or proposed equipment for that building, tower or other structure and the interference cannot be prevented at a reasonable cost.

- 3.** Existing buildings, commercial communications towers or other structures do not have adequate space to accommodate the proposed equipment.
 - 4.** Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed any adopted local, Federal or State emission standards.
- c.** The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted there on comply with safety standards now comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).
 - d.** The applicant for the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning regulations.
 - e.** In the A-1 District, the maximum height of a communications tower shall be one hundred (100) feet.
 - f.** In the C-2, I-P and M-1 Districts, the maximum height of a communications tower shall be two hundred (200) feet.
 - g.** The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.
 - h.** In the A-1 District, all parts of the communications tower, including guy wires, if any, shall be set back from any adjoining residentially zoned property at least one hundred fifty (150) feet. Where the communications tower is located on a leased parcel within a larger tract, the setback shall be measured from the property line which separates the adjoining residentially zoned property from the larger tract controlled by the lessor, rather than from the boundaries of the leased parcel, provided the larger tract is either vacant or developed for a use other than single family dwellings.

The setback required from the property lines which adjoin property other than residentially zoned property shall be fifty (50) feet, except for guyed towers which shall be set back a distance equal to the height of the tower.

- i.** In the C-2, I-P and M-1 Districts, all parts of the communications tower, including guy wires, if any, shall be set back from the property line at least fifty (50) feet, except for guyed towers which shall be set back a distance equal to the height of the tower. If the tower is located on property which adjoins a residential Zoning District, the setback shall be at least two hundred (200) feet. Where the communications tower is located on a leased parcel within a larger tract, the setback shall be measured from the property line which separates the adjoining residentially zoned property from the larger tract controlled by the lessor, rather than from the boundaries of the leased parcel, provided the larger tract is either vacant or developed for a use other than single family dwellings.
- j.** The tower and all appurtenances, including guy wires, if any, and the equipment cabinet or equipment building shall be enclosed by a minimum ten (10) foot high chain link security fence with locking gate.
- k.** The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with the Township Building Code and accepted engineering practice.
- l.** Equipment cabinets and equipment buildings shall comply with the height and yard requirements of the Zoning District for accessory structures.
- m.** Access shall be provided to the tower and equipment cabinet or equipment building by means of a public street or right-of-way to a public street. The right-of-way shall be a minimum of twenty (20) feet in width and shall be improved with a dust-free, all weather surface for its entire length.
- n.** Recording of a plat subdivision shall not be required for the lease parcel on which the tower is proposed to be constructed, provided the equipment building is proposed to be unmanned and the required easement agreement for access is submitted for approval by the Township.
- o.** Approval of a land development plan, prepared in accordance with the requirements of the Township Subdivision and Land Development Ordinance, shall be required for all towers.
- p.** The owner of the communications tower shall be responsible for \

maintaining the parcel on which the tower is located, as well as the means of access to the tower, including cleaning and cutting of vegetation, snow removal and maintenance of the access driveway surface.

- q.** The owner of any communications tower which exceeds fifty (50) feet in height shall submit to the Township proof of an annual inspection conducted by a structural engineer at the owner's expense and an updated tower maintenance program based on the results of the inspection. Any structural faults shall be corrected immediately and reinspected and certified to the Township by a structural engineer at the owner's expense.
- r.** The owner of the communications tower shall notify the Township immediately upon cessation or abandonment of the operation. The owner of the communications tower shall dismantle and remove the communications tower within six (6) months of the cessation of operations, if there is no intention to continue operations, evidenced by the lack of an application to the Township to install antenna on the existing tower. If the owner of the communications tower fails to remove the tower, then, the landowner shall be responsible for its immediate removal. Failure to remove an abandoned communications tower shall be subject to the enforcement provisions of Section 2001 of this Ordinance.
- s.** All tower structures shall be fitted with any-climbing devices as approved by the manufacturer for the type of installation proposed.
- t.** All antennas and tower structures shall be subject to all applicable Federal Aviation Administration (FAA) and Airport Zoning regulations.
- u.** No sign or other structure shall be mounted on the tower structure, except as may be required or approved by the FCC, FAA or other governmental agency.
- v.** The exterior finish of the tower shall be compatible with the immediate surroundings. The tower, the equipment cabinet or equipment building and the immediate surroundings shall be properly maintained.
- w.** At least one (1) off-street parking space shall be provided on the site to facilitate periodic visits by maintenance workers. Manned equipment buildings shall provide one (1) parking space for each employee working on the site.
- x.** No antenna or tower structure shall be illuminated, except as may be

required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).

1403.34 Commercial Motor Vehicle Repair, subject to:

A.

1403.35 Commercial Recreation, subject to:

- a. The minimum lot area required for outdoor recreation facilities shall be one (1) acre. All indoor facilities shall meet the minimum lot area required for the Zoning District in which the property is located.
- b. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- c. Adequate sanitary facilities available to the public shall be provided.
- d. Outdoor speakers shall not be permitted if there are dwellings within five hundred (500) feet of the property in any direction. If outdoor speakers are allowed, the volume and direction shall be regulated to minimize impact on adjoining properties.
- e. Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.
- f. Any outdoor facility shall be completely enclosed by a fence which is at least six (6) feet in height with one (1) or more locking gates which shall remain secured when the facility is not in use.
- g. Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations no later than 10:00 P.M.
- h. Any use which includes eating or drinking facilities shall be subject to the parking requirements for that use in addition to the parking requirements for the recreational use.

1403.36 Commercial Recreation - Indoor, subject to:

a.

1403.37 Commercial Recreation - Outdoor, subject to:

a.

1403.38 **Community Center, subject to:**

a.

1403.39 **Comparable Uses Not Specifically Listed, subject to:**

a. Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the Zoning District in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District. In making such determination, the Board shall consider the following characteristics of the proposed use:

1. The number of employees;
2. The floor area of the building or gross area of the lot devoted to the proposed use;
3. The type of products, materials, equipment and/or processes involved in the proposed use;
4. The magnitude of walk-in trade; and
5. The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of Section 1501 of this Ordinance.

b. The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.

c. The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable use by special exception or conditional use listed in the Zoning District in which the comparable use is proposed.

d. The proposed use shall be consistent with the Purpose Statement for the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.

1403.40 **Convenience Store, subject to:**

a.

1403.41 **Conversion Dwellings, subject to:**

a.

1403.42 Correctional Facility, subject to:

a.

1403.43 Day Care, Adult, subject to:

a.

1403.44 Day Care Center or Pre-School Facility, subject to:

- a. The facility shall be registered with or licensed by the Commonwealth of Pennsylvania.
- b. In the A-1, R-1, R-2, R-3 and R-4 Zoning Districts, the facility shall be permitted to be located only in a church or school.
- c. Outdoor play areas shall be provided which shall have a minimum area of sixty-five (65) square feet per child and which shall be secured by a fence with self-latching gate.
- d. Outdoor play areas which adjoin residential lots shall be screened by Buffer Area "C", as defined by §1502.1 of this Ordinance.
- e. The general safety of the property proposed for a day care center or pre-school facility shall meet the needs of small children.
- f. Off-street parking shall be provided in accordance with the requirements of Article XVI of this Ordinance.

1403.45 Day Care, Child, subject to:

a.

1403.46 Day Care, Home-Based, subject to:

a.

1403.47 Distribution Center, subject to:

a.

1403.48 **Drive-through Facilities, subject to:**

a.

1403.49 **Duplex, subject to:**

a.

1403.50 **Flea Market, subject to:**

a.

1403.51 **Flex Use Development, subject to:**

a.

1403.52 **Funeral Home, subject to:**

- a. The minimum lot area shall be 40,000 square feet.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector street.
- c. All off-street parking areas which adjoin property in a residential zoning classification shall be screened by a six (6) foot dense, compact evergreen hedge.
- d. Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets.

1403.53 **Garden Center, subject to:**

a.

1403.54 **Gas/Fuel Station, subject to:**

a.

1403.55 **Golf Course; Country Club, subject to:**

- a. Golf courses and country clubs shall have a minimum site of ten (10) acres; driving ranges and putting courses shall have a minimum site of two (2) acres.

- b. Clubhouses shall be located at least one hundred (100) feet from any property line adjoining property in an A-1, R-1, R-2, R-3 or R-4 District and at least fifty (50) feet from all other property lines.
- c. Where eating and/or drinking facilities are provided, parking requirements for restaurants shall apply in addition to the parking requirements for golf courses.
- d. Where a swimming pool is provided, parking requirements for swimming pools shall apply in addition to the parking requirements for golf courses.
- e. Operations shall be discontinued between the hours of 2:00 a.m. and 6:00 a.m.

1403.56 Golf Course Driving Range, subject to:

- a.

1403.57 Grain Silo, subject to:

- a.

1403.58 Greenhouses/Nurseries, subject to:

- a.

1403.59 Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, subject to:

- a. The minimum area and bulk regulations for a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be the same as those required for a principal use in the District in which the facility is located.
- b. In the R-3 District, a Group care Facility or Personal Care Boarding Home shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Ordinance.
- c. No Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be located within 1,000 feet of another existing or proposed Group Care Facility, Personal Care Boarding Home or Transitional Dwelling.
- d. Adequate provisions shall be made for access for emergency medical and

fire-fighting vehicles.

- e. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agent.
- f. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with a self-latching gate.
- g. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

1403.60 Group Home, subject to:

- a.

1403.61 Halfway House, subject to:

- a.

1403.62 Hazardous Waste Recycling Facility, subject to:

- a. The home occupation shall be carried on by a member of the family residing in the dwelling unit. No one who is not a resident of the dwelling unit shall be employed in the dwelling unit.
- b. In the R-1, R-2, R-3 and R-4 Districts, the home occupation shall be carried on wholly within the principal dwelling. The home occupation shall not be conducted in any accessory structure. In the A-1 District, the home occupation may be carried on in an accessory structure.
- c. No more than twenty-five percent (25%) of the gross floor area of the principal dwelling shall be devoted to the conduct of the home occupation.
- d. There shall be no on-site production of articles for sale in the home occupation, other than customary handicrafts made by the resident, which may be produced for sale off the premises. Such articles shall not be displayed in quantity for sale on the premises, except that samples may be kept for the purpose of accepting orders.

- e. There shall be no display on the premises of merchandise available for sale which has been produced off the premises; however, merchandise may be stored on the premises for delivery off the premises, such as Amway, Tupperware or similar products stored for distribution to customers or salespersons at their residence or place of business.
- f. There shall be no exterior displays or signs, either on or off the premises, other than a small identification sign no more than one (1) square foot in surface area containing only the name of the resident and the nature of the home occupation which may be attached to the wall of the dwelling or to the mailbox.
- g. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which can change the fire rating of the structure.
- h. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced. The use shall comply with the Performance Standards of Section 1501 of this Ordinance.
- i. The use shall not significantly intensify vehicular or pedestrian traffic beyond that which is normal for the residences in the neighborhood.
- j. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- k. The use shall not cause an increase in the use of water, sewage, electricity, garbage, public safety or any other municipal services beyond which is normal for the residences in the neighborhood.
- l. In the R-1, R-2, R-3 and R-4 Districts, the home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises and commercial vehicles shall not be parked on the premises.
- m. There shall be no storage of materials or equipment used in the home occupation outside a completely enclosed building.
- n. Any home occupation where customers, clients or students routinely visit the premises shall provide a paved off-street parking area in accordance with the requirements of Article XVI for the specific use in addition to the spaces required for the dwelling.

- o.** The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception, including, but not limited to:
- 1.** Beauty shops or barber shops containing more than two (2) chairs;
 - 2.** Blacksmith or metal working;
 - 3.** Boarding stables;
 - 4.** Clinics, hospitals or nursing homes;
 - 5.** Funeral homes;
 - 6.** Group Care Facility, Personal Care Boarding Home or Transitional Dwelling;
 - 7.** Kennels, veterinary offices and clinics;
 - 8.** Private clubs;
 - 9.** Private instruction to more than five (5) students at a time;
 - 10.** Restaurants or tea rooms;
 - 11.** Retail or wholesales; flea markets;
 - 12.** Tanning or massage salon;
 - 13.** Tourist or boarding home, other than Bed and Breakfast;
 - 14.** Vehicle or equipment rental, repair or sales in the R-1, R-2, R-3 and R-4 Districts;
 - 15.** Vehicle repair garages in the R-1, R-2, R-3 and R-4 Districts.
- p.** The following are examples of permitted home occupations, provided all of the foregoing criteria are met:
- 1.** Artist, photographer or handicrafts studio;
 - 2.** Catering off the premises;
 - 3.** Contracting business;
 - 4.** Computer programmer, data processor, writer;
 - 5.** Consultant, clergy, counselor, bookkeeping, graphics or drafting services;
 - 6.** Dressmaker, tailor;
 - 7.** Professional offices which involve routine visitation by customers or clients;
 - 8.** Housekeeping or custodial services;
 - 9.** Interior designer;
 - 10.** Jewelry and/or watch repair, not including wholesale or retail sales;
 - 11.** Lawnmower and small engine repair in the A-1 District only;
 - 12.** Locksmith;
 - 13.** Mail order business;
 - 14.** Manufacturer's representative;
 - 15.** Repair of small household appliances that can be hand carried in

- the A-1 District only;
16. Telemarketing;
 17. Travel agent;
 18. Tutoring or any other instruction to no more than five (5) students at any one time;
 19. Word processing, typing, secretarial services.

q. A Family Day Care Home shall meet the following standards:

1. All of the applicable foregoing criteria for a home occupation shall be met.
2. An adequate outdoor play area shall be provided and shall be secured by a fence with self-latching gate. Such play area shall be screened from adjoining residential properties by a minimum four (4) foot high compact, dense evergreen hedge or opaque fence.
3. Outdoor play areas shall have a minimum area of six hundred (600) square feet.

1403.63 Heavy Equipment Repair, subject to:

a.

1403.64 Heliport Facility, subject to:

a.

1403.65 Home Occupational Business, subject to:

a.

1403.66 Hospital, Clinic or Nursing Home, subject to:

- a. The minimum lot area required for a hospital shall be five (5) acres. The minimum lot area required for a clinic or nursing home shall be one (1) acre.
- b. The property shall be served by public water and public sewers.
- c. All hospitals and nursing homes shall be licensed by the Commonwealth.
- d. Water pressure and volume shall be adequate for fire protection.
- e. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.

- f. The parking and circulation plan shall be referred to the Township police department and volunteer fire company for comments regarding traffic safety and emergency access.
- g. Nursing homes shall have a bed capacity of at least twenty (20) beds, but no more than two hundred (200) beds.
- h. All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B". as defined by §1502.1 of this Ordinance.
- i. A private use helipad for ambulances shall be permitted as part of a hospital, provided all of the following criteria are met:
 - 1. Helipads shall be located at least two hundred fifty (250) feet from any property line or public street.
 - 2. Helipads accessory to a hospital shall be limited to use by emergency vehicles and health system personnel.
 - 3. Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation Bureau of Aviation shall be submitted.
 - 4. The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.
 - 5. The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
 - 6. An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.
 - 7. Lighting shall be shielded away from adjacent properties and streets.
- j. Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

1403.67 Junk/Salvage Yard, subject to:

- a. The minimum site required shall be twenty (20) acres.
- b. The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.

- c. No garbage, hazardous materials or hazardous waste as defined by Federal statute, or other organic waste shall be stored on the premises.
- d. The handling and disposal of motor oil, battery acid and other substances regulated by Federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2001 of this Ordinance.
- e. The manner of storage of junk or other materials or equipment on the site shall facilitate access for fire-fighting, shall prevent hazards from fire or explosion and shall prevent the accumulation of stagnant water.
- f. The salvage yard operation shall comply with the Performance Standards of Section 1501 of this Ordinance.
- g. No junk shall be stored or accumulated and no structure shall be located within one hundred (100) feet of any dwelling or within forty (40) feet of any property line or public street.
- h. The premises shall be enclosed by a metal chain link fence not less than eight (8) feet in height supported on steel posts with a self-latching gate. The fence shall be located on the inside of the Buffer Area required by Subparagraph (j), below.
- i. The fence shall be supplemented with screening materials which creates a visual barrier that is at least eighty percent (80%) opaque.
- j. Buffer Area "A", as defined by §1502.1 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning classification.
- k. The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent public streets.
- l. The operator shall obtain a license from the Township prior to initiating operations which shall be renewable annually upon payment of the required license fee established from time to time by Resolution of the Board of Supervisors and subject to inspection by the Zoning Officer to determine continuing compliance with these standards.

1403.68 **Kennel, subject to:**

a.

1403.69

Landfill, subject to:

- a. The minimum site area shall be one hundred (100) acres.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector road, as defined by this Ordinance.
- c. The driveway or haul road entering the site from a public street shall be paved for a distance of five hundred (500) feet from the public street.
- d. A tire washing station shall be located on the site to service trucks exiting the facility.
- e. The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations in the amount of one hundred thousand dollars (\$100,000) for each mile of Township road or portion thereof proposed to be traversed by vehicles traveling to the site. The term of the bond shall begin on the date that the conditional use approval is issued. The bond shall be returned to the operator upon completion of all operations and any backfilling or reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road. Any failure to complete the reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road shall result in forfeiture of the bond required by this Ordinance. Those portions of the Township roads which have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township Specifications for Street Construction.
- f. Landfill operations shall not be conducted within two hundred (200) feet of any property lines adjoining residential use or zoning district classifications.
- g. All property lines adjoining any existing residential use or any A-1 or "R" Zoning District classification shall be screened by Buffer Area "A", as defined by §1502.1 of this Ordinance. The Buffer Area shall be comprised of a combination of earthen mounding and the required plantings.
- h. Fencing at least six (6) feet in height shall be provided around any work area for security and to control windblown refuse.
- i. The applicant shall show compliance with applicable State and Federal

laws regulating landfills.

- j. The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Resources (PA DER) and/or the U.S. Environmental Protection Agency prior to initiating any operation.
- k. The required State and Federal permits shall be maintained throughout the duration of all operations.
- l. Any suspension or revocation of the required State or Federal permits shall constitute a violation of this Ordinance and shall result in the suspension or revocation of the Certificate of Occupancy or enforcement of the penalty provisions of this Ordinance or both.
- m. In January of each year, the operator shall apply to the Zoning Officer for renewal of the Certificate of Occupancy in accordance with §2005.7 and shall present evidence of continuing compliance with all conditions of approval and required State or Federal permits.

1403.70 Landscape Business, subject to:

a.

1403.71 Limited Manufacturing, subject to:

- a. All activities shall comply with the Performance Standards specified in Section 1501 of this Ordinance.
- b. All materials and equipment shall be stored within a completely enclosed building.
- c. The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).
- d. Adequate public utilities shall be available to meet the requirements of the proposed manufacturing processes.
- e. Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.

1403.72 **Live-work Units, subject to:**

a.

1403.73 **Manufactured Home Sales, subject to:**

a.

1403.74 **Manufacturing Facility, Light, subject to:**

a.

1403.75 **Massage Establishment, subject to:**

a.

1403.76 **Medical Clinic, subject to:**

a.

1403.77 **Medical Marijuana, Dispensary, subject to:**

a.

1403.78 **Medical Marijuana, Grower/Processor, subject to:**

a.

1403.79 **Medical Offices, subject to:**

a.

1403.80 **Methadone Treatment Facility, subject to:**

a.

1403.81 **Mineral Development, subject to:**

a.

1403.82 **Mineral Removal, subject to:**

a. Removal of minerals encountered during the routine grading of a site for the purposes of an approved land development or for the construction of public improvements shall be excluded from these regulations and the

requirement to obtain approval of a conditional use application, provided evidence is presented to the Township that all applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP) are met.

- b.** There shall be no removal of minerals or vegetative cover within one hundred (100) feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geological Survey (USGS).
- c.** Mineral removal shall be prohibited in watersheds or rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Protection as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.
- d.** No mineral removal shall be conducted within three hundred (300) feet of any public building, school, church, community or institutional building, commercial building, public park or private recreational area.
- e.** No mineral removal shall be conducted within one hundred (100) feet of the outside right-of-way line of any public street, except where access roads or haulage roads join the right-of-way line and where the appropriate State or Federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with the law.
- f.** No mineral removal shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.
- g.** No mineral removal shall be conducted within one hundred (100) feet of a cemetery.
- h.** No mineral removal shall be conducted within three hundred (300) feet of an occupied dwelling, unless the consent of the owner has been obtained in advance of the filing of the application for zoning approval.
- i.** The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:
 - 1.** Lawful existing or permitted use of adequate properties.
 - 2.** The quality or adequacy of any public or private water supply

source.

- 3.** Any flood-prone or landslide-prone areas within the Township.
- j.** The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.
- k.** If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.
- l.** The applicant shall provide reclamation plans for the site that demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the District in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.
- m.** The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on State, County and Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets within the Township.
- n.** The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations to guarantee restoration of Township streets which may be damaged during the mineral removal operations.
- o.** Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.
- p.** The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and Federal permits, including proof of insurability, before initiating any work and shall maintain the required permits throughout the duration of all operations. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and will result in

the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this Ordinance.

- q. Approval of the conditional use shall expire if work authorized in the application for conditional use is not commenced within six (6) months of the date of approval of the conditional use application by the Board of Supervisors, unless the applicant submits a written request for an extension prior to the expiration of the six (6) months after the date of approval.
- r. Once work is initiated under an approved application for conditional use, zoning approval shall be valid for a period of one (1) year from the date of conditional use approval by the Board of Supervisors. An application for renewal of zoning approval shall be submitted prior to the expiration of zoning approval and shall be approved by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation.
- s. During the mineral removal operation, the Township Engineer may inspect the site at the request of the Board of Supervisors to determine the continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Township Engineer shall be borne by the operator.

1403.83 Mini-Warehouses or Self-Storage Buildings, subject to:

- a. The minimum site area required shall be two (2) acres.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- c. Vehicular access to the site shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector street on which the site has frontage.
- d. All interior driveways shall be paved with an asphalt or similar surface sufficient for the loads the driveways are expected to bear.
- e. Parking shall be provided in accordance with the following:
 - 1. Two (2) spaces for manager's quarters, if any;
 - 2. One (1) space for each twenty-five (25) storage units which spaces

shall be located near the manager's quarters or office to be used by prospective customers;

- 3.** One (1) space for each ten (10) units equally distributed throughout the storage area to be used by the customers.
- f.** Buffer Area "A" shall be provided in accordance with the requirements of §1502.1 of this Ordinance along all property lines which adjoin residential use or zoning classification.
- g.** The perimeter of the site shall be fenced with a minimum eight (8) foot high chain link fence with self-latching gate. If an outside storage area is proposed, the fence around the outside storage area shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.
- h.** Maximum building height shall be twenty (20) feet.
- i.** The maximum length of any storage building shall be two hundred (200) feet.
- j.** The minimum distance between storage buildings shall be twenty (20) feet.
- k.** Maximum lot coverage by all buildings shall be forty percent (40%).
- l.** Office space may be provided which shall not exceed five percent (5%) of the total area devoted to storage.
- m.** Storage units shall not be equipped with water or sanitary sewer service.
- n.** No business activity other than rental of storage units shall be conducted on the premises.
- o.** Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris or dust shall not be created.
- p.** Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.
- q.** No sign shall be placed on the buildings or on their rooftops.
- r.** Both the landlord and the tenants shall be responsible for prevention of the storage of hazardous materials or substances in the storage buildings.

- s. A minimum of one (1) fire hydrant shall be provided on the site, subject to approval by the Township. The facility shall comply with the Township Fire Code.

1403.84 Mixed Use, subject to:

- a.

1403.85 Mobile Home Park, subject to:

- a. The application shall comply with all applicable requirements of the Township Subdivision and Land Development Ordinance governing mobile home parks.
- b. The minimum site required for a mobile home park shall be five (5) acres.
- c. The site shall be served by public sewers.
- d. The minimum mobile home lot shall be six thousand (6,000) square feet.
- e. The minimum yard requirements for each mobile home lot shall be twenty-five (25) feet for front yards, twenty (20) feet for rear yards and ten (10) feet for side yards. Such yards shall be measured from the perimeter of the mobile home slab.
- f. Every mobile home slab shall have access to a public or private street in accordance with the requirements of the Township Subdivision and Land Development Ordinance.
- g. Each mobile home lot shall provide two (2) off-street parking spaces.

1403.86 Multifamily Dwellings, subject to:

- a.

1403.87 Night Club, subject to:

- a.

1403.88 Nursing Home, subject to:

- a.

1403.89 Oil and Gas Compressor Station, subject to:

a.

1403.90 **Oil and Gas Processing Plant, subject to:**

a.

1403.91 **Oil and Gas Well/Pad, subject to:**

a.

1403.92 **Outdoor Hydronic Heater, subject to:**

a.

1403.93 **Personal Services, subject to:**

a.

1403.94 **Pharmacy, subject to:**

a.

1403.95 **Place of Worship, subject to:**

a.

1403.96 **Power Generation Facility, Electric, subject to:**

a.

1403.97 **Private Club, subject to:**

- a. Any establishment which includes a restaurant or tavern shall be subject to the off-street parking requirements of Article XVI for the portion of the building devoted to the restaurant or tavern use, in addition to the parking required for the private club.
- b. Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.
- c. Activities on the site and within the building shall comply with the noise standards specified in Section 1501 of this Ordinance.

- d. All off-street parking which adjoins residential zoning classification shall be screened by a six (6) foot high dense, compact evergreen hedge.

1403.98 Public Parking Garage, subject to:

- a. All public parking garages shall be designed to have direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- b. All public parking garages shall be designed to minimize traffic congestion on the site or within the garage and for traffic entering or leaving the site or parking structure.
- c. The design of any parking garage proposed to be located on property which adjoins a residential zoning district shall take into account the height, visual, light and air impacts on adjoining residences and shall utilize architectural materials for the exterior walls facing those residential areas which are compatible with the residential character of adjoining properties.
- d. Any public parking garage, whether proposed as a principal structure or an accessory structure, shall comply with the yard requirements for a principal structure.

1403.99 Public Recreation and Noncommercial Recreation, subject to:

- a. A minimum lot area of one (1) acre shall be required; however the minimum lot area required may be reduced to not less than twelve thousand (12,000) square feet for public recreation facilities which are located in established neighborhoods within walking distance of the residents they are intended to serve and where no off-street parking is proposed for the facility.
- b. All principal structures shall be located at least thirty (30) feet from any property line.
- c. Buffer Area "C", as defined by §1502.1 of this Ordinance shall be provided where parking for the use or other intensively used facilities such as ballfields, tennis courts, shelters and the like are proposed adjacent to any property line adjoining residential use or zoning classification. Open space and passive recreation, as well as undeveloped portions of the property held for future development shall not be required to be buffered from adjoining residential use or zoning classification.
- d. The use shall comply with the Performance Standards of Section 1501 of

this Ordinance.

- e. All lighting shall be shielded away from adjoining streets and properties.
- f. Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations at 10:00 P.M.

1403.100 Public Utility Building or Structure, subject to:

- a. The minimum lot area required shall be 20,000 square feet.
- b. Maintenance vehicles shall be stored within a completely enclosed building.
- c. Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum six (6) foot high fence with locking gate and is screened by one hundred percent (100%) opaque screening material placed in the fencing or by a six (6) foot high dense, compact evergreen hedge.
- d. Any area of the building which is used for business offices shall comply with the parking requirements of Article XVI of this Ordinance for that use. Any area of the building which is used for storage of material, vehicles or other equipment shall provide one (1) parking space for each 1,500 square feet of gross floor area devoted to that use.

1403.101 Quadruplex, subject to:

- a.

1403.102 Railroad Facility, subject to:

- a.

1403.103 Recording Studio, subject to:

- a.

1403.104 Recycling Business, subject to:

- a.

1403.105 Repossession Business, subject to:

a.

1403.106 Restaurant, subject to:

a.

1403.107 Restaurant, Drive-in, subject to:

a.

1403.108 Retirement Community, subject to:

- a. The minimum site required for a Retirement Community shall be twenty (20) acres.
- b. The site required for a Retirement Community, as defined herein, shall have frontage on and direct vehicular access to a street classified by this Ordinance as an arterial or collector street. Access to local Township streets shall not be permitted, except that a secondary controlled “emergency only” access may be provided from a local Township street, if approved by the Township.
- c. A Retirement Community may include one (1) or more of the following dwelling types:
 - 1. Single family dwellings
 - 2. Two family dwellings
 - 3. Townhouse buildings containing no more than five (5) dwelling units per building.
 - 4. Garden apartment buildings containing no more than fifty (50) dwelling units per building.
- d. In addition to the foregoing dwelling types, a Retirement Community shall include the following supporting uses:
 - 1. Common leisure and/or recreational areas
 - 2. Common dining area
- e. In addition, a Retirement Community may include one (1) or more of the following supporting uses, subject to approval by the Township:
 - 1. Postal station for use of the residents and staff only;
 - 2. Banking facility for use of the residents only;

3. Pharmacy and/or medical offices for use of the residents only;
 4. Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, dry cleaning valet;
 5. Ice cream parlor and/or florist/gift shop for the use of the residents and their invited guests only;
 6. Personal care boarding home, provided the use meets all the conditional use criteria contained in §1403.17 of this Ordinance;
 7. Nursing home licensed by the Commonwealth;
 8. Elderly day care center licensed by the Commonwealth;
 9. Taxi, van or similar transportation services for the residents.
- f. The maximum dwelling unit density permitted in a Retirement Community shall be twelve (12) dwelling units per acre.
- g. No principal structure shall be less than fifty (50) feet from any property line adjoining property in an A-1, R-1, R-2 or R-3 District. Along all other property lines, no principal structure shall be less than twenty (20) feet from any property line of the development site.
- h. Buffer Area "B", as defined by §1502.1 of this Ordinance shall be provided along all property lines adjoining property in an A-1, R-1, R-2 or R-3 District.
- i. There shall be a minimum of one (1) parking space for each dwelling unit plus one (1) parking space for each employee on peak shift. In the event that a nursing home or personal care boarding home is proposed, parking shall be provided in accordance with the requirements of Section 1602 of this Ordinance for those uses. Additional parking for the supporting uses intended for the residents and their invited guests shall not be required.

1403.109 Retirement Housing Facility, subject to:

- a.

1403.110 Roadside Stand, Accessory subject to:

- a.

1403.111 Roadside Stand, Principle subject to:

- a.

1403.112 Salt Storage Facility, subject to:

a.

1403.113 Self-Storage Facility, subject to:

a.

1403.114 Sewage Treatment Plant, subject to:

a.

1403.115 Sexually Oriented Business, subject to:

a.

1403.116 Shopping Center, subject to:

- a. The minimum site required shall be five (5) acres.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Ordinance.
- c. Once the improvements are completed in an approved shopping center, lots within approved and recorded shopping center may be sold and developed as independent entities for any authorized use in the District.
- d. Only uses permitted by right or authorized as conditional uses or uses by special exception in the District in which the shopping center is located shall be permitted in the shopping center.
- e. Buffer Area "A", as defined by §1502.1 of this Ordinance shall be provided along all property lines which adjoin the A-1, R-1, R-2, R-3 or R-4 Districts.
- f. The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements shall be dedicated for common access, where necessary.
- g. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.

1403.117 Short-term Rental, Accessory, subject to:

a.

1403.118 Short-term Rental, Principal, subject to:

a.

1403.119 Solar Energy Facility, Large, subject to:

a.

1403.120 Solid Waste Combustor or Incinerator, subject to:

a.

1403.121 Solid Waste Landfill Facility, subject to:

a.

1403.122 Solid Waste Transfer Station, subject to:

a.

1403.123 Storage Building, subject to:

a.

1403.124 Storage Yard, Accessory, subject to:

a.

1403.125 Storage Yard, Principal, subject to:

a.

1403.126 Supply Yard, Principal, subject to:

a.

1403.127 Tank Farms, subject to:

a.

1403.128 Tattoo Parlor, subject to:

a.

1403.129 Tavern or Bar, subject to:

a.

1403.130 Taxi and Limousine Service, subject to:

a.

1403.131 Temporary Portage Storage Units, subject to:

a.

1403.132 Temporary Uses or Structures, other than Construction Trailers, subject to:

- a. Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining zoning approval from the Zoning Hearing Board, provided the Zoning Officer determines compliance with the standards of this Section as a condition of issuing a Certificate of Occupancy.
- b. Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period of not more than seventy-two (72) consecutive hours shall not be subject to the provisions of this Section. Any such activity which exceeds seventy-two (72) consecutive hours in duration shall be subject to approval under this Section.
- c. A transient merchant license as required by Township Ordinance shall be obtained.
- d. In the C-1 and C-2 Districts, preparation and/or serving of food in an outdoor setting shall be permitted only if all of the following requirements are met:
 - 1. The preparation and serving of food which is part of a special event that does not exceed seventy-two (72) consecutive hours in duration shall be exempt from the requirement to obtain approval of a use by special exception under this Section; however, an occupancy permit shall be obtained from the Township Zoning Officer subject to the applicant demonstrating compliance with the standards and criteria of this §1403.32.
 - 2. Evidence of an approved permit from the PA DEP or its successor

agency

3. The preparation and serving of food shall not be permitted on any vacant lot and shall only be permitted on the site of an existing business.
 4. The area used for preparing and serving the food shall not construct any sidewalk or public right-of-way nor shall it obstruct the free flow of pedestrian or vehicular traffic on the site or adjoining the site. On any sidewalk, there shall be maintained a minimum of five (5) feet unobstructed width for the passage of pedestrians and, in the case where there is parallel parking permitted along such sidewalk, a minimum of four (4) feet adjacent to the curb to permit the discharging of passengers shall be provided. These required unobstructed areas on the sidewalk may be combined into one (1) area at least five (5) feet wide along the curb.
 5. No noise or odor shall emanate from such outdoor area where food is prepared and/or served which adversely affects any adjoining residentially zoned property within three hundred (300) feet of the outdoor area.
 6. The area used for preparing and serving food shall not eliminate the availability of any existing parking spaces on the site.
 7. The activity shall comply with all applicable requirements of the Township Fire Code.
 8. The site intended to be used for the preparation and/or serving of food shall provide restroom facilities available to the public, unless the existing business on the site has restroom facilities which will be available to the public visiting the temporary use.
 9. The owner of the existing business or the operator of the temporary use involving the preparation and/or serving of food in an outdoor setting shall provide the Township with a Certificate of Insurance, in an amount at least equal to \$2,000,000 per occurrence and \$3,000,000 aggregate, indemnifying the Township against any liability resulting from such use.
- e. Approval of temporary uses or structures shall be granted for a specific time period not to exceed six (6) months. If continued need for temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted allowing for annual renewal by the Zoning Officer of the permit for the temporary use or structure, provided all conditions of the original approval are maintained.
- f. All temporary uses or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.

- g. All temporary uses or structures which are proposed to be accessible to the public shall provide off-street parking in accordance with the requirements of Section 1602 for the proposed use.
- h. Vehicular access for all temporary uses or structures which are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.
- i. All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of the Zoning District in which they are located. All temporary uses or structures which are proposed to be used as accessory uses or structures shall comply with the requirements of the Zoning District for accessory structures.
- j. Temporary uses or structures which are authorized for a particular event shall be removed within forty-eight (48) hours after the completion of the event.
- k. Temporary uses or structures which are proposed as principal uses or structures and which are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot.

1403.133 Temporary Use Structure, Accessory, subject to:

- a.

1403.134 Temporary Use Structure, Principle, subject to:

- a.

1403.135 Townhomes, subject to:

- a.

1403.136 Truck and Heavy Equipment Rental, Sales and Service, subject to:

- a. The minimum site required shall be one (1) acre.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- c. No vehicle or other merchandise displayed outdoors shall be less than

five (5) feet from any property line. No vehicle or equipment shall be parked on adjacent property or in any public street right-of-way.

- d. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for its safe and lawful operation.

1403.137 Two Family Dwellings, Triplexes and Fourplexes in the R-2 District, subject to:

- a. The minimum site required to develop two family dwellings, triplexes or fourplexes shall be fifteen (15) contiguous acres.
- b. The site shall have frontage on and direct vehicular access to a street defined by this Ordinance as an arterial or collector street.
- c. The site proposed for triplexes and/or fourplexes shall be immediately adjacent to property that is zoned R-4, Multi-Use Residential. Immediately adjacent means sharing a common property line, or, in the case of property under single ownership and control at the time of application for conditional use approval, including R-2 classified property that is separated from R-4 classified property by a public street right-of-way.
- d. The site shall be served by public water and sewers.
- e. The maximum dwelling unit density shall be four (4) units per acre. However, in the case of a proposed development containing triplexes and fourplexes where a minimum of twenty-five percent (25%) of the gross site area is reserved as common open space the dwelling unit density may be increased to a maximum of six units per acre. The common open space shall be subject to the requirements for dedication and maintenance specified in Subparagraphs “e”, “f” and “g” of §1403.37.
- f. If the properties developed for two family dwellings are proposed to be subdivided for fee simple ownership of each dwelling unit, the units may be divided along the common walls without a variance for the side yard required in the R-2 District, provided the minimum lot area of 7,500 square feet per dwelling unit is provided and the minimum lot width of fifty (50) feet is provided for each dwelling lot and all other applicable area and bulk regulations are met for each lot.
- g. If properties developed for triplexes or fourplexes are proposed to be subdivided for fee simple or condominium ownership of each dwelling unit, the dwelling units may be divided along the common walls without

side yard, lot areas or lot width variances from the R-2 District requirements, provided that:

1. The maximum dwelling unit density of four (4) units per acre is not exceeded;
 2. Any lot area not included in the property description for the individual units is maintained in perpetuity as common open space by a homeowners association or condominium association, subject to the enforcement provisions of Section 705(f) of the Pennsylvania Municipalities Planning Code; and
 3. A minimum of twenty (20) feet between each triplex or fourplex building is maintained.
- h. The design of the two family dwellings shall be compatible with the style of the single family dwellings on adjoining properties, if any. The orientation of the garages and entries to the two family dwellings shall be designed to maximize the appearance of a large single family dwelling.
- i. On corner lots that adjoin existing single family dwellings outside the development site, the two family dwelling shall be designed so that each dwelling unit faces on a different street frontage.
- j. At least one (1) integral parking space shall be provided for each dwelling unit.
- k. The two family dwellings, triplexes and fourplexes shall be designed to incorporate privacy patios or interior courtyards for each dwelling unit, where feasible.
- l. Buffer Area "B", as defined by §1502.1 of this Ordinance shall be provided along all property line adjoining property in an A-1, R-1, R-2 or R-3 District.

1403.138 Urban Agriculture, Principal, subject to:

- a.

1403.139 Vehicle Rental, Sales and Service, subject to:

- a. New and used vehicle sales and service establishments shall be limited to those establishments which are factory authorized dealerships or which have obtained a license from the Commonwealth of Pennsylvania to operate a used car dealership.

- b.** The minimum lot area required shall be one (1) acre.
- c.** The property shall have frontage on and direct vehicular access to an arterial or collector street.
- d.** The area used for display of merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in depth or other surfacing of equivalent or superior character as approved by the Township Engineer.
- e.** The handling and disposal of motor oil, battery acid and any other substances regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2001 of this Ordinance.
- f.** All lots used for the outdoor display of vehicles shall have a completely enclosed building on the same lot which has not less than two thousand (2,000) square feet of gross floor area where all repair, servicing, sales and customer car washing shall be performed.
- g.** Customer car washing areas shall discharge into public sanitary sewers.
- h.** No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street right-of-way.
- i.** No vehicle shall be displayed or offered for sale which does not have a current registration and inspection sticker and all of the mechanical and body components necessary for the safe and lawful operation thereof on the street and highways of the Commonwealth of Pennsylvania.
- j.** All lights and light poles shall be located at least ten (10) feet from any street right-of-way or property line and all lighting shall be shielded and reflected away from adjacent streets and properties.
- k.** No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot or on any merchandise displayed outdoors.
- l.** All required off-street parking spaces shall be reserved exclusively for the

parking of customers and employee vehicles and shall not be used for the display of merchandise.

- m. Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six (6) foot high dense, compact evergreen hedge or opaque fence.
- n. Buffer Area "B", as defined by §1502.1 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.

1403.140 Vehicle Repair Garage, subject to:

- a. Such use shall not be located within one hundred (100) feet of any property line adjoining residential use or zoning classification.
- b. Buffer Area "B", as defined by §1502.1 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.
- c. Storage of parts, dismantled vehicles and vehicles awaiting repair shall be kept in an enclosed building or in an outdoor area which is screened by a six (6) foot high dense, compact evergreen hedge or opaque fence.
- d. There shall be no more than four (4) vehicles displayed for sale on the premises at any one (1) time.
- e. All repair work shall be performed within an enclosed building which has adequate ventilation and fire protection provisions in accordance with the requirements of the Pennsylvania Department of Labor and Industry.
- f. All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.
- g. The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health or safety.
- h. Storage, handling and disposal of hazardous materials, as defined by Federal or State statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

1403.141 Warehouse & Storage Services, subject to:

- a.

1403.142 **Water Intake Wells, subject to:**

a.

1403.143 **Wind Energy Facility, Large, subject to:**

a.

1403.144 **Density Bonus for Multi-family Development in the R-4 District, subject to:**

- a. The minimum site area required shall be fifteen (15) acres.
- b. The maximum allowable density of six (6) units per acre in the R-4 District may be increased to ten (10) units per acre provided a minimum of fifteen percent (15%) of the site is maintained as common open space.
- c. The common open space shall be preserved and maintained in perpetuity and shall not be disturbed or altered by any grading or construction other than the removal of any dead or diseased trees or the construction of recreational facilities to serve the residents of the development.
- d. A minimum of five hundred (500) square feet per dwelling unit shall be developed for active recreational use in the common open space. Active and passive recreational uses deemed appropriate for the proposed residents of the development shall be subject to approval by the Township.
- e. Restrictive covenants shall be recorded to preserve and protect the common open space in perpetuity.
- f. A homeowners association, condominium association or similar organization comprised of owners in the plan shall be established to own and maintain the common open space. Failure to maintain the common open space shall be subject to the enforcement procedures specified in Section 705(f) of the Pennsylvania Municipalities Planning Code.
- g. Natural features such as steep slopes, wetlands, streams, lakes, ponds and woodlands shall be incorporated in the common open space.

1403.145 **Any other Building or Use that is Customarily Incidental to the Permitted Principal Use or Principal Building, subject to:**

a.

ARTICLE XV

SUPPLEMENTAL REGULATIONS

SECTION 1500 APPLICABILITY

The supplemental regulations in this Article supplement the requirements of Article IV through XII governing each Zoning District and shall apply to all uses in all Zoning Districts.

SECTION 1501 PERFORMANCE STANDARDS

The following performance standards shall apply to permitted uses, conditional uses and uses by special exception in the C-1, C-2, I-P and M-1 Districts. All conditional uses and uses by special exception in all Districts shall comply with the requirements of this Section. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Board of Supervisors or Zoning Hearing Board may require a qualified consultant to testify, whose costs for services shall be borne by the applicant.

1501.1 Environmental Performance Standards

All properties shall be subject to the following environmental performance standards. It shall be unlawful to excavate, fill or clear vegetation prior to submission of plans for development which show compliance with the following standards.

a. Flood Plains

All areas identified as flood-prone by the Federal Insurance Administration of the Department of Housing and Urban Development shall be subject to the regulations of the Township Flood Plain Management Ordinance.

b. Landslide Prone Areas

Proposed development of areas which have moderate to high landslide susceptibility shall be reviewed by a professional soils engineer whose credentials are acceptable to the Township to assess necessary precautions, if any, in the design of the development to protect the site and adjoining properties. The cost of the review shall be borne by the applicant.

c. Potential Mine Subsidence Areas

In areas where deep mining has occurred and the potential for mine subsidence exists, plans for development shall be reviewed by a professional soils engineer whose credentials are acceptable to the Township to assess necessary precautions, if any, to protect the site and adjoining properties. The cost of the review shall be borne by the applicant.

d. Lakes and Ponds

Lakes and ponds, as defined by this Ordinance, shall be maintained as permanent open space. No development, filing, piping or diverting shall be permitted, except for the construction of public streets or other crossings, subject to the approval and necessary permits from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Encroachments.

e. Stormwater Drainage and Management

Stormwater drainage and management plans shall be prepared for each proposed development in accordance with the Township Stormwater Management Ordinance No. 8-1988.

f. Soil Erosion and Sedimentation

All developments shall protect streams and ponds from sedimentation damage and control erosion in accordance with the Clean Streams Law (P.L. 1987), Chapter 102 and Soil and Sedimentation Control Manual, Pennsylvania Department of Environmental Resources, May 1, 1976. All developments of any size shall submit a soil erosion and sedimentation control plan to the Township.

1501.2 Fire Protection

Fire prevention and fire fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

1501.3 Electrical Disturbance

No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

1501.4 Noise

All uses and activities shall comply with the Township Noise Control Ordinance No. 6-1986.

1501.5 Vibrations

Vibrations detectable without instruments on neighboring property in any Zoning District shall be prohibited.

1501.6 Odors

No use shall emit odorous gas or other odorous matter in such quantities as to be offensive at any point on or beyond the lot lines. The guide for determining such quantities shall be the fifty percent (50%) response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals," October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

1501.7 Smoke, Ash, Dust, Fumes, Vapors and Gases

There shall be no emission of smoke, ash, dust, fumes, vapors or gases which violates applicable Federal, State or County laws or regulations.

1501.8 Glare

Lighting devices which produce objectionable direct or reflected glare greater than 0.5 footcandle on adjoining properties or public streets shall not be permitted.

1501.9 Erosion

No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

1501.10 Water Pollution

Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection (PA DEP).

1501.11 Determination of Compliance with Performance Standards

During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this Section. In reviewing such documentation, the Township may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Township may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this Section shall be a basis for denying approval of the application.

1501.12 Continuing Enforcement

The Zoning Office shall investigate any purported violation of the performance standards and, subject to the approval of the Board of Supervisors, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the performance standards, said cost shall be borne by the Township.

SECTION 1502 SCREENING AND LANDSCAPING

1502.1 Buffer Areas Described

Buffer Areas, as defined by this Ordinance and required by §1502.2, shall meet all of the following criteria:

- a. Buffer Area "A" shall contain two (2) rows of plantings. Each row shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen spaced within the row a minimum of fifteen (15) feet apart, measured from the vertical centerlines of adjacent trees. The two (2) rows shall be staggered in a manner which shall result in adjacent trees on two (2) different rows being no more than ten (10) feet apart, measured from the vertical centerlines of the trees. The depth of the Buffer Area "A" shall be thirty-five (35) feet as measured from the property line.
- b. Buffer Area "B" shall contain one (1) row of plantings which shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen spaced within the row a minimum of ten (10) feet apart, measured from the vertical centerlines of adjacent trees. The depth of Buffer Area "B" shall be twenty-five (25) feet as measured from the property line.
- c. Buffer Area "C" shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature which are a minimum of six (6) feet in height at the time of planting. The depth of Buffer Area "C" shall be ten (10) feet as measured from the property line.
- d. None of the required plantings shall encroach across any property line. All plantings shall be located a minimum of two and one-half (2 ½) feet from the property line which constitutes the exterior boundary of the Buffer Area.

- e. In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required Buffer Area to screen the buildings, activities and parking areas from adjoining residential properties, the Board of Supervisors, upon recommendation by the Planning Commission, may determine that the existing topography and/or vegetation constitutes all or part of the required Buffer Area. If such a determination is made, the applicant may be required to record a conservation easement of the depth specified by the Board of Supervisors to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved Buffer Area.
- f. In the event that a public street right-of-way, dedicated and accepted by the Township separates two (2) dissimilar uses specified, the Buffer Area shall not be required, provided the width of the right-of-way equals or exceeds the width of the required Buffer Area and one (1) row of low level plantings or a landscaped earthen mound is provided on the property to screen headlights from view as described in §1502.2(d), below.
- g. Openings for driveways shall be permitted to cross a required Buffer Area. Plantings required in Buffer Areas shall be located so as to not obstruct visibility for traffic entering or leaving the site and shall be subject to the clear sight triangle requirements of §1503.4 of this Ordinance.
- h. No structures or uses shall be permitted in the required Buffer Area, other than active or passive recreation facilities and stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the Buffer Area and provided all plantings are located outside any stormwater management structure. Structures or uses not permitted within the required Buffer Area include, but are not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices.

1502.2 Buffer Areas Required

Buffer Areas “A,” “B” and “C” listed in §1502.1 above shall be required under the following circumstances:

a. Buffer Area “A”

Buffer Area “A” shall be required:

- 1. Along all property lines where any development in the C-2, I-P or M-1 District adjoins property in an A-1, R-1, R-2, R-3 or R-4 District.

2. Where the express standards and criteria for a conditional use or use by special exception in Section 1403 of this Ordinance specify that Buffer Area "A" is required.
3. Along all property lines where a Planned Residential Development adjoins property in an A-1, R-1, R-2, R-3 or R-4 District.
4. Along all property lines where multifamily dwellings adjoin property in an A-1, R-1, R-2, R-3 or R-4 District.

b. Buffer Area "B"

Buffer Area "B" shall be required:

1. Along all property lines where any C-1 District adjoins property in an A-1, R-1, R-2, R-3 or R-4 District.
2. Where the express standards and criteria for a conditional use or use by special exception in Section 1403 of this Ordinance specify that Buffer Area "B" is required.

c. Buffer Area "C"

Buffer Area "C" shall be required:

1. Where the express standards and criteria for a conditional use or use by special exception in Section 1403 of this Ordinance specify that Buffer Area "C" is required.
2. On developed property in the C-1 or C-2 District where existing conditions such as building location and existing paving of the parking lot make it impossible to meet the requirements for Buffer Area "B" along a property line which adjoins property in the
3. Along all property lines in the R-4 District where townhouses and garden apartments adjoin R-4 zoned property containing an existing single family dwelling or two family dwelling.

d. Low Level Screen Required

In addition to the required plantings in Buffer Area "A," "B" and "C," wherever twenty (20) or more parking spaces face the required Buffer Area, a row of level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the Buffer Area which shall provide a year-'round visual screen

capable of acting as a barrier to light beams emanating from the headlights of passenger cars.

These low level shrubs, hedges or mounds shall be installed so that a person facing a passenger car with the shrubs or hedges or mound between him and the car could observe the car's low beam lights only as a result of the diffused or reflected light from the headlights and not because the direct beam from those lights was observable. The earthen mound shall be a minimum of three (3) feet in height at its center point with a minimum width at the base of ten (10) feet. Low level shrubs or hedges shall be a minimum of three (3) feet in height at the time of planting.

1502.3 Conflict Between Buffer Area and Yard Requirements

When the width of a required Buffer Area is in conflict with the minimum yard requirements of Article IV through XII, the greater the distance shall apply. The Buffer Area planting requirement shall be adhered to regardless of the yard requirement.

1502.4 Existing Structures in Buffer Areas

In Instances where an existing structure is located within any required Buffer Area, the Buffer Area may be reduced, provided the Buffer Area is not less than the minimum distance between the existing structure and the property line. This reduced Buffer Area width shall apply only to the side of the existing structure which encroaches on the required Buffer Area. The required Buffer Area, as determined by §1502.2, shall apply on all other sides of the existing structure.

1502.5 Existing Trees in Buffer Areas

Where trees already exist within the required Buffer Area, these trees shall remain undisturbed, except that diseased or dead material may be removed. If it is determined that some healthy trees must be removed in conjunction with development, a written request to remove such trees shall be submitted to the Township, along with an explanation detailing the rationale for the request. These trees shall not be removed until the Township has given written authorization permitting said removal. This permission shall not be unreasonably denied; however, those who violate this Section shall be subject to the maximum penalties authorized by this Ordinance.

When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. All such replacement planting shall be in accordance with accepted conservation practices.

1502.6 Size of Trees in Required Buffer Areas

Any existing trees with the required Buffer Area which are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall be preserved and shall count as a

required tree within the Buffer Area. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required Buffer Area. All trees required to be planted within the Buffer Area shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six (6) feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.

1502.7 Responsibility for Maintenance

It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.

1502.8 Stormwater Management Facilities in Buffer Area

Stormwater management facilities and structures may be maintained within a Buffer Area, but the existence of such facilities or structures shall not be a basis for failure to meet the planting requirements.

1502.9 Landscaping of Open Spaces

All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses shall be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between a November 1 through April 1 time period. In such case, the required sodding or seeding shall occur within two (2) weeks of April 1.

1502.10 Landscaping Specifications

Landscaping shall be provided in accordance with the following specifications:

- a. Planting required in Buffer Areas as outlined in §1502.2 shall not be substituted for any required planting mandated in this Section.
- b. A landscaping plan, with detailed drawings, shall be submitted prior to building permit application and this landscaping plan shall contain and show the following information:
 1. All required Buffer Areas with proposed plantings (identifying each proposed tree, bush or shrub) drawn to scale and identifying the height and width of any proposed mounds.

2. All required planting independent of any Buffer Area requirements (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale.
 3. Any planting in excess of the requirements in §1502.1 and §1502.2 of this Ordinance.
 4. Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
 5. Any existing trees or vegetation which will be removed, accurately identifying their relative location.
- c. In any nonresidential development, deciduous trees shall be planted in accordance with the following schedule. These trees shall be in addition to the trees provided in any required Buffer Area or parking area:

<u>Building Footprint</u>	<u>Requirement</u>
1,000 s.f. - 30,000 s.f.	1 tree for each 1,000 s.f. of building footprint
30,000 s.f. - 75,000 s.f.	A minimum of 30 trees plus 1 tree for each 3,000 s.f. of building footprint in excess of 30,000 s.f.
Over 75,000 s.f.	A minimum of 45 trees plus 1 tree for each 5,000 s.f. of building over 75,000 s.f.

The required trees shall be planted in clustered on the site and shall be distributed throughout the site to enhance the green space on the site. The final location of the plantings shall be subject to approval by the Township depending on the size of the site, the magnitude of the required Buffer Area and the amount of paving and building coverage proposed.

- d. In any development which contains multifamily dwellings, deciduous trees shall be planted in accordance with the following schedule. These trees shall be in addition to the trees provided in any required Buffer Area or parking area:

<u>Number of Dwellings</u>	<u>Required Trees</u>
First 25 dwelling units	1 tree for each dwelling unit
26-100 dwelling units	25 trees plus 1 tree for each 2 dwelling units in excess of 25 dwelling units
101-200 dwelling units	63 trees plus 1 tree for each 3 dwelling units in excess of 100 dwelling units
201+ dwelling units	96 trees plus 1 tree for each 4 dwelling units in excess of 200 dwelling units

The required trees shall be planted as street or front yard trees or may be clustered in groups around the dwelling units.

- e. All trees which are required to be planted as per the regulations of this §1502.10 shall be minimum of two (2) inches in diameter at a point one (1) foot above the ground at the time of planting measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.
- f. In conjunction with the development of any property for any use, the applicant shall show that the removal of any trees or natural vegetation is necessary for the imminent and orderly development of the property. Imminent development shall be considered to be development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum eight (8) hours per day, forty (4) hours per week basis (utilizing a five (5) day on, two (2) day off, standard work week basis) within thirty (30) days of the removal of trees or vegetation and for which a land development plan and landscaping plan have been submitted and approved by the Township.
- g. Any existing trees which are not disturbed and are not located within a required Buffer area and are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall count towards the required number of trees to be planted outside of the Buffer Area.
- h. In parking areas containing more than twenty (20) spaces, at least five percent (5%) of the interior parking area shall be landscaped with plantings and one (1) tree for each ten (10) spaces shall be installed.

- i. Whenever an open parking area abuts a public street, a planting strip, at least five (5) feet in depth, planted and maintained with shrubbery, trees or other landscape or decorative materials, shall be installed across the entire frontage of the property in order to prohibit vehicles access, except at approved ingress and egress points.
- j. All areas not utilized for structures, driveways, planting strips or parking facilities shall be seeded, sodded or landscaped within a reasonable period of time. The phrase “reasonable period of time” shall be given the same interpretation given that phrase as it is used in §1502.9 of this Ordinance.

1502.11 Posting of Bond for Landscaping

A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Township in the amount of fifteen percent (15%) of the total cost of landscaping shown on the approved landscaping plan for a period of eighteen (18) months from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

SECTION 1503 SPECIAL YARD REQUIREMENTS

In addition to the yard requirements specified in each Zoning District, the following yard requirements shall apply in all Zoning Districts to the applicable circumstances described below:

1503.1 Corner Lots

Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall constitute side yards.

1503.2 Nonconforming Lots of Record

See Section 1803 of this Ordinance.

1503.3 Accessory Structures

In all Zoning Districts the follow regulations shall apply to accessory structures:

a. Private Swimming Pools Accessory to a Dwelling

Swimming pools accessory to a dwelling shall be located at least ten (10) feet from the dwelling or any property line. Swimming pools shall not be permitted in the front yard. All swimming pools and the equipment necessary for maintaining the pool shall be completely enclosed by a fence which is at least six (6) feet in height and which has a self-latching gate. The dwelling may constitute a part of the required enclosure

For an above ground swimming pool which is completely enclosed by a minimum three (3) foot railing around the entire perimeter and which has a self-latching ladder, the pool shall not be required to be fenced. All other above ground swimming pools shall be fenced in accordance with the requirements of this Sub-paragraph (a).

b. Private Tennis Courts Accessory to a Dwelling

Tennis courts accessory to a dwelling shall be located only in a side or rear yard and shall be no closer to the side or rear property line than twenty (20) feet. If lighting is proposed, the lighting shall be shielded so that it does not reflect on any adjoining property. All tennis courts shall be enclosed by a fence which is a minimum of ten (10) feet in height and a maximum of twelve (12) feet in height and shall contain openings equal to fifty percent (50%) or more of the surface area of the fence.

c. Fences

In the A-1, Agricultural District, a permit shall not be required for installing a fence on a farm as defined, herein. Farm fences in the A-1 District may be located in the required rear and side yards. In the A-1, Agricultural District fences which contain opening equal to at least seventy-five percent (75%) of the surface area of the fence shall be permitted in the yard.

All posts, framing members and other fence elements used in constructing and supporting fences shall be placed on the side of the fence facing the property where the fence is installed.

In Residential Zoning Districts, fences no greater than six (6) feet in height shall be permitted in the required front yard, provided they are decorative and do not enclose the entire front yard.

In the C-1 and C-2, Commercial Districts, the maximum height of a fence shall be

eight (8) feet.

In the I-P and the M-1, Industrial Districts, the maximum height of a fence shall be ten (10) feet.

d. Fences, Walls and Buffer Areas

All walls, fences and Buffer Areas or landscaping material shall be located so as to not obstruct pedestrian access, visibility for traffic on adjacent streets or traffic entering or leaving the property or adjacent properties.

e. Satellite Dish Antennas

Only one (1) satellite dish antenna shall be permitted on a residential lot. In all Zoning Districts, satellite dish antennas shall not be permitted in front yards. In Residential Zoning Districts, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall be twelve (12) feet. In Zoning Districts other than Residential, the maximum diameter of any satellite dish antenna installed on any lot or any roof or above any building shall not exceed twenty (20) feet. In all Zoning Districts, the maximum height of any freestanding satellite dish antenna shall be twenty (20) feet. In all Zoning Districts, no part of any satellite dish antenna shall be located closer than ten (10) feet to any property line.

f. Radio or Television Antennas

A radio or television antenna shall be permitted as an accessory use, subject to the following requirements:

1. A radio or television antenna structure may be mounted on a roof or installed in a rear yard only, provided that no such structure shall be located within twenty (20) feet of any property line.
2. The maximum height for such structure shall not exceed that otherwise allowed in the Zoning District in which it is located by more than twenty (20) feet. If placed on any roof, any antenna exceeding eight (8) feet shall be mounted with guide wires.
3. Any such structure shall comply with applicable Airport Zoning and Federal Communications Commission regulations.
4. Radio or television antenna structures located on the ground shall be screened from adjacent properties by evergreen trees or other suitable material, as approved by the Township.

g. Structures Accessory to Industrial Uses

In the I-P and M-1, Industrial Districts, no accessory structure to an industrial or warehousing use shall be permitted in a front yard. Accessory structures shall be permitted in a side or rear yard provided that they shall be located at least twenty (20) feet from the side or rear lot line.

h. Canopies and Similar Structures

Canopies and similar permanent freestanding roofed structures without walls shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing areas accessory to authorized uses in the C-1 and C-2, Commercial Districts, provided that:

1. Such structures shall not be attached to the principal building;
2. Such structure shall be located at least ten (10) feet from any property line or street right-of-way;
3. Such structure shall not be enclosed; and
4. Such structure shall be removed immediately, once the principal use or the use of the accessory structure is discontinued.

i. Accessory Storage Structures and Detached Garages

Storage structures accessory to a single family dwelling which have a total floor area of one hundred eighty (180) square feet or less shall be located at least five (5) feet from the rear property line and shall be located at least ten (10) feet from a side property line, but shall not be located in any front yard. All storage structures accessory to a dwelling which have a total floor area of more than one hundred eighty (180) square feet and all detached garages shall not be located in the required front yard, required rear yard or required side yards.

j. Distance from Principal Building

All accessory structures shall be located at least ten (10) feet from any principal building, except that a detached garage may be connected to the principal building by contiguous side walls, breeze ways or similar connections.

1503.4 Visibility at Intersections

No object, including without limitation, fences, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three (3) feet as measured from the lowest elevation of the centerline of any abutting street, shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required on a corner lot. The required clear sight triangle on a corner lot shall be determined as follows:

a. Agricultural and Residential Districts

The street line abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of thirty (30) feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle.

b. Commercial and Industrial Districts

The street line abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of fifty (50) feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle.

SECTION 1504 PERMITTED PROJECTIONS INTO REQUIRED YARDS

The following shall be permitted to project into any required yard in any Zoning District:

Typical architectural features, including, but not limited to, bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than eighteen (18) inches.

Decks and their stairs are unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into required front and side yards no more than three (3) feet and shall be no closer to the rear property line than twenty (20) feet.

Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than thirty-six (36) inches.

SECTION 1505 HEIGHT EXCEPTIONS

The height limitations of this Ordinance shall not apply to the following structures: Church spires, chimneys, elevator bulkheads and other mechanical equipment which is part of the principal structure, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks, public utility structures and other structures not intended for human habitation which do not exceed the height limitations of the Zoning District by more than fifteen (15) feet.

SECTION 1506 DRIVE-THROUGH FACILITIES

All business which propose drive-through facilities, as defined by this Ordinance, as accessory uses or principal uses shall meet all of the following requirements:

- 1506.1** The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

- 1506.2** In addition to the parking spaces required for the principal use, a minimum of five (5) standing spaces, in one (1) lane, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing space shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets or berms.

- 1506.3** Entrances, exits and standing spaces shall be adequately indicated with pavement marking and/or directional signs.

- 1506.4** Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

SECTION 1507 TEMPORARY CONSTRUCTION TRAILERS, MODEL HOMES OR SALES OFFICES

Temporary construction trailers or model homes or sales offices shall be permitted in any Zoning District subject to the following conditions:

- 1507.1** Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit or under Township approval to install public improvements. The temporary construction trailer shall be removed upon completion of the construction authorized under a building permit or upon completion of the installation of the public improvements in a plan of subdivision. In the event that construction is phased, the temporary construction trailer shall be moved from the completed phase to the next phase when ninety percent (90%) of the required improvements in the completed phase have been installed as determined by the Township Engineer.
- 1507.2** Model homes or sales offices shall be permitted only until ninety percent (90%) of the lots or dwelling units in the development are sold. In the case of a phased development, the use of a model home or a sales office shall be permitted to continue only if the subsequent phase is initiated within six (6) months of the completion of ninety percent (90%) of the lots or dwelling units in the prior phase.
- 1507.3** A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six (6) months.
- 1507.4** Temporary construction trailers shall be located on the lot on which the construction is progressing and shall not be located within twenty-five (25) feet of any property line adjoining residential use.
- 1507.5** Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.
- 1507.6** No combustible materials shall be stored in temporary construction trailers.
- 1507.7** Model homes shall be located on a separate lot and shall meet all the requirements for permanent dwellings in the Zoning District in which they are located. Sales offices may be located in a model home or may be located in a trailer located on a vacant lot in the plan or on the site of construction. If the sales office is located in a trailer, the trailer shall not be located within twenty-five (25) feet of any property line adjoining a residential use.
- 1507.8** Model homes or sales offices located in a trailer shall not be utilized for any dwelling use, whatsoever, during the time they are approved as a temporary use or structure in accordance with the provisions of this Section.

1507.9 Model homes or sales offices shall be used primarily for sales associated with the development in which they are located and shall not be used as the only place of business for the listing realtor.

SECTION 1508 AGRICULTURE

Agricultural activities, including greenhouses, stables, kennels and animal husbandry, where authorized by this Ordinance, shall be subject to the following requirement:

1508.1 Storage of manure, odor or dust producing substance shall be located at least two hundred (200) feet from any property line.

1508.2 Any building used for the keeping, raising or feeding of livestock and poultry shall be located at least two hundred (200) feet from any street line and from any adjacent landowner's well or dwelling and not less than one hundred (100) feet from the landowner's well or property line.

1508.3 Animal shelters shall be located no closer than two hundred (200) feet to any property line.

1508.4 Greenhouse heating plants shall be at least one hundred (100) feet from any property line. The retail sales area for a greenhouse shall not exceed twelve hundred (1,200) square feet. The growing area shall not be considered sales area.

1508.5 The minimum lot area for keeping horses shall be five (5) acres. The minimum lot area for keeping horses shall not be less than two (2) acres per horse. For farms over ten (10) acres there shall be no minimum lot area per horse.

1508.6 No stable shall be located within two hundred (200) feet of any property line or occupied dwelling, other than the stable owner's dwelling.

1508.7 All grazing and pasture areas shall be adequately fenced.

1508.8 Outdoor kennels shall be located at least three hundred (300) feet from any occupied dwelling on an adjacent lot and at least two hundred (200) feet from any property line which adjoins an R-1, R-2, R-3 or R-4 District.

SECTION 1509 STORAGE

1509.1 Outdoor Storage in Commercial and Industrial Districts

Except for nurseries, garden supply, building supply, custom crafting and similar businesses which require outside storage of products offered for sale, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden, supply, building supply, custom crafting and similar businesses, outside display and storage shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge which is at least six (6) feet in height.

In the M-1 District, any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street. If existing buildings do not screen the storage area from public view from the street, the area shall be screened by a hedge or opaque fence at least six (6) feet in height.

1509.2 Refuse Collection and Waste Disposal

All organic rubbish and discarded materials shall be placed in tight vermin-proof containers on the property and shall be secured in side or rear yards screened from public view by means of a solid-face fence or wall at least six (6) feet in height. Containers shall be emptied not less frequently than once a week. On properties where food is served in paper containers, covered waste receptacles shall be conspicuously located on the premises for use by patrons. The management shall be responsible for maintaining the property free of litter.

1509.3 Storage of Travel Trailers and Mobile Homes

The parking and storage of travel trailers, mobile homes, motor homes, campers and similar recreational vehicles shall be prohibited within the right-of-way of any public street. At no time shall such parked or stored vehicle be occupied or used as a dwelling.

1509.4 Storage of Commercial and Construction Equipment

Commercial and construction equipment or vehicles, including without limitation trucks of one-ton capacity or greater, tractors of forty (40) horsepower or larger, tandems, tractor-trailers, cargo-moving equipment and construction equipment or vehicles shall not be stored or parked temporarily or permanently in any R-1, R-2, R-3 or R-4 District, except within a completely enclosed building.

SECTION 1510 AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

When required, all new construction and additions or enlargements of existing structures or facilities shall comply with the most recent regulations for accessibility as specified in the Americans with Disabilities Act (ADA).

SECTION 1511 SECONDARY DWELLING FOR RESIDENT FARM WORKERS

One (1) permanent secondary dwelling shall be permitted to be constructed on a lot or parcel where the principal use is agriculture, as defined by this Ordinance, without subdividing the property for the second dwelling, providing that all of the following requirements are met:

- 1511.1** If the property were to be subdivided in the future, the area proposed for the secondary dwelling would be capable of meeting the current minimum lot area and lot width requirements specified for a single family dwelling in the A-1 Zoning District without creating a nonconforming lot for the existing dwelling.
- 1511.2** Adequate vehicular access to a public street is provided for the secondary dwelling.
- 1511.3** The owner of the secondary dwelling shall be the owner of the original dwelling. The secondary dwelling shall not be sold to any other party unless and until a plan of subdivision is recorded in the Lawrence County Recorder of Deeds Office in accordance with all applicable requirements of the Township Subdivision and Land Development Ordinance.
- 1511.4** The sole purpose of the secondary dwelling shall be to provide a permanent dwelling for a person or persons who are working on the farm as tenants or as paid or unpaid employees.

SECTION 1512 ON SITE SALES ACCESSORY TO A FARM

In the A-1 District, retail sales of agricultural products shall be permitted accessory to a farm, subject to the following regulations:

- 1512.1** All sales shall be conducted on the premises of a farm, as defined and regulated by this Ordinance.
- 1512.2** Products sold shall include products raised, grown or produced on the farm.
- 1512.3** All permanent structures shall comply with the yard requirements for principal structures in the A-1 District.

- 1512.4** Seasonal roadside stands shall be located no closer than fifteen (15) feet to any street right-of-way or property line, and shall be removed at the end of each growing season.
- 1512.5** Buildings used for retail sales of agricultural products shall not exceed one thousand (1,000) square feet of sales floor areas for every ten (10) acres of land farmed. No building used for agricultural products shall exceed five thousand (5,000) square feet of sales area.
- 1512.6** Off-street parking for permanent structures shall be provided in accordance with the requirements of Section 1602 for retail businesses. Off-street parking for permanent structures shall be designed in accordance with the requirements of Section 1601.
- 1512.7** Off-street parking for seasonal roadside stands shall be designed in accordance with Section 1601, however, the requirements for surfacing, marking, screening and landscaping shall not apply.
- 1512.8** Off-street parking for seasonal roadside stands shall be provided in accordance with the requirements of Section 1602 for retail businesses, however, in no case shall less than ten (10) spaces be provided.
- 1512.9** Adequate ingress, egress and traffic circulation shall be provided so that vehicles do not back onto the street right-of-way and do not park or stand on any street or berm.
- 1512.10** One (1) non-illuminated freestanding sign shall be permitted to announce the agricultural sales, provided the maximum surface area of the sign shall not exceed twenty-four (24) square feet, the height of the sign shall not exceed eight (8) feet and the sign shall be located no closer than ten (10) feet to any property line or street right-of-way.

SECTION 1513 FORESTRY/FISH PRODUCTION

Where authorized as a permitted use, forestry and fish production shall be subject to the following regulations:

- 1513.1** All operations shall be located at least five hundred (500) feet from any existing dwelling, other than any dwelling located on the site of the forestry or fish production.
- 1513.2** Timbering operations shall be discontinued between dusk and dawn, provided, further, that such operations shall not take place during any hours on Sundays or legal bank holidays.

- 1513.3** Routes to be used by any hauling or delivery trucks shall be approved by the Township, and the operator shall demonstrate that there shall be no negative impact on Township roads from the proposed operation.
- 1513.4** A performance bond shall be posted in favor of and in the amount required by the Township to guarantee restoration of Township roads used as hauling routes.
- 1513.5** The applicant shall submit a copy of the State permit for hauling on State roads.
- 1513.6** In the event that timber removal is proposed, a logging plan shall be submitted which shows, at a minimum:
- a.** The design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - b.** The design, construction and maintenance of water-control measures and structures such as culverts, broad-based dips, filter strips and water bars;
 - c.** The design, construction and maintenance of stream and wetland crossings, if any;
 - d.** The general boundaries of proposed operation in relation to Township and State roads, including any accesses to those roads;
 - e.** The site location, including boundaries of the property and boundaries of the proposed harvest area;
 - f.** Significant topographic features;
 - g.** The location of all earth-disturbance activities, such as roads, landings and water-control measures and structures; and
 - h.** The location of all crossings of waters of the Commonwealth.
- 15137** During timber removal, felling or skidding on or across any public street is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation (PENNDOT), whichever is responsible for the maintenance of the street.
- 1513.8** During timber removal, no tops of trees or debris shall be left within twenty-five (25) feet of any public street or any private road providing access to adjoining residential property.

- 1513.9** The operation shall show compliance with the following laws and regulations of the Commonwealth, and all necessary permits shall be maintained during the operation:
- a.** Erosion and sedimentation control regulations contained in Chapter 102, issued pursuant to the Pennsylvania Clean Stream Law.
 - b.** Stream-crossing and wetlands protection regulations contained in Chapter 105, issued pursuant to the Pennsylvania Dam Safety and Encroachment Act.
- 1513.10** Any suspension or revocation of a State permit shall constitute revocation of zoning approval, and the operator shall be subject to the enforcement provisions of Section 2001 of this Ordinance.
- 1513.11** Any impoundment of water shall be secured to prohibit access by the general public.
- 1513.12** Any storage of chemicals or other potentially hazardous supplies shall be within a completely enclosed building and shall be properly handled and stored so as not to contaminate any wells, watercourses or portable water supplies.
- 1513.13** Any materials or waste which may cause fumes or dust or may be edible or otherwise attractive to rodents or insects shall be stored in enclosed containers adequate to eliminate such hazards.

ARTICLE XVI

OFF-STREET PARKING AND LOADING

SECTION 1600 APPLICABILITY

Off-street parking spaces shall be provided in accordance with the specifications in this Article in any District whenever any new use is established or existing use is enlarged.

SECTION 1601 OFF-STREET PARKING DESIGN

Parking areas in all Zoning Districts shall comply with the following standards:

1601.1 Size

Each off-street parking space shall have an area of not less than one hundred sixty-two (162) square feet, exclusive of access drives or aisles, shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto the cartway of any public street.

1601.2 Design

The minimum dimensions of aisles and driveways shall be as follows:

- a. Minimum width of aisles providing two-way travel shall be twenty-two (22) feet
- b. One-way aisles shall not be dead-ended. A functional exit or turnaround shall be provided. Minimum width of aisles providing one-way travel shall vary with the angle of parking, as follows:

Parallel	12 feet
30 degree	14 feet
45 degree	16 feet
60 degree	20 feet
90 degree	22 feet

- c. The minimum width of entrance and exit drives shall be:
 - 1. For one-way travel, a minimum of twelve (12) feet.
 - 2. For two-way travel, a minimum of twenty-two (22) feet.

3. A maximum of thirty-five (35) feet at the street line and fifty-four (54) feet at the curb line.
 4. Adequate sight distance shall be provided, subject to review and approval by the Township Engineer. Driveways shall not exceed a slope of ten percent (10%) within twelve (12) feet of the street right-of-way line.
- d. Fire lanes shall be provided in accordance with the requirements of the Township Fire Code and the Township Fire Department.

1601.3 **Access**

Access to parking areas shall be provided in accordance with the following requirements:

- a. When an existing lot does not adjoin a public or private street, alley or easement of access, an access drive shall be provided leading to the parking areas.
- b. Access to off-street parking areas shall be limited to well defined locations, and in no case shall there be unrestricted access along the length of a street. In any District, other than a Residential District, the street frontage shall be cued to restrict access to the lot, except where access drives are proposed.
- c. The number of access drives from a single lot or development to any public street shall not exceed two (2) for every four hundred (400) feet of street frontage.
- d. Except on corner lots, access drives shall be located at least two hundred (200) feet from the intersection of any two (2) street right-of-way lines. Where a site has frontage on more than one (1) street, access shall be provided from the street with the lower traffic volume, if physically practical.
- e. Access drives entering State highways are subject to a Highway Occupancy Permit used by the Pennsylvania Department of Transportation (PA DOT). Access drives entering Township street shall be graded to conform to existing topography and shall be designed so that drainage will not adversely impact the street or adjoining properties.
- f. Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.

1601.4 Joint Use of Facilities

Two (2) or more uses may provide the required parking in a common space parking lot, if the total spaces provided are not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below the total as a use by special exception to be granted by the Zoning Hearing Board, provided it can be demonstrated that the hours or days of operation or peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

1601.5 Safety Requirement

The Board of Supervisors shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings within and adjoining the boundaries of the development site.

1601.6 Marking

In parking areas which contain five (5) or more spaces, all parking spaces shall be clearly delineated by painted lines or markers. Parking spaces shall be provided with bumper guards or wheel stops where necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.

1601.7 Parking Areas Serving Residential Dwellings

Parking requirements for single family, two family, triplex, fourplex and townhouse dwellings shall be met by providing the required spaces in an enclosed garage or in a private driveway on the lot. Parking for garden apartments shall be provided in a paved, striped and curbed off-street parking area.

1601.8 Parking Areas Serving Uses Other Than Residential Dwellings

Parking requirements for all uses other than residential dwellings shall be met by providing a paved, striped and curbed off-street parking area.

1601.9 Location of Parking Areas

Required parking spaces shall be located on the same lot with the principal use. In the case where adequate lot area does not exist on the same lot to meet the parking requirements, the Board of Supervisors may approve off-site parking, provided it is located no more than four hundred (400) feet from the principal entrance to the building it is intended to serve and evidence of a lease agreement or cross-easement is submitted for any property under different ownership proposed to be used for off-site parking.

No parking area containing more than five (5) parking spaces shall be located closer than ten (10) feet to any adjoining property line and parking authorized in front yards shall be located at least ten (10) feet from the street right-of-way line.

1601.10 Screening and Landscaping

Parking areas containing more than ten (10) parking spaces shall be effectively screened by a Buffer Area "C," as defined by §1502.1 of this Ordinance, along any property line which adjoins a residential use or Residential Zoning District classification. Parking areas containing more than twenty (20) spaces shall provide the landscaping required by §1502.10(h).

In addition, a planting strip at least five (5) feet wide shall be provided between the edge of the right-of-way and any parking area authorized in any yard which fronts on a street in accordance with §1502.10(i).

1601.11 Surfacing

With the exception of parking areas serving single family dwellings and two family dwellings, all parking areas and access drives shall have a paved, concrete, interlocking brick or stone or bituminous surface, graded with positive drainage to dispose of surface water. The maximum finished slope of parking aisles and spaces in parking areas containing fifty (50) or more spaces shall be five percent (5%).

1601.12 Lighting

Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any Residential Zoning District or residential use and away from any streets or highways. Light standards shall not exceed thirty-five (35) feet in height. The lighting system shall furnish an average minimum of 1.0 footcandle during hours of operation and shall not produce spillover lighting on any adjacent property in excess of 0.5 footcandles.

1601.13 Stormwater Management

All paved areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the Township Stormwater Management Ordinance and to review and recommendation by the Township Engineer.

SECTION 1602 OFF-STREET PARKING REQUIREMENTS

Any new use or change of use in any Zoning District shall comply with the following minimum requirement for the provision of off-street parking spaces:

1602.1 When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.

1602.2 Where more than one (1) use exists on a lot, parking requirements for each use shall be provided.

1602.3 The following table of parking requirements specifies the number of spaces required for various categories of uses in any Zoning District:

USE	PARKING SPACES REQUIRED
Single Family and Two Family Dwellings	Two (2) spaces per dwelling unit.
Garden Apartments, Triplex, Fourplex, Townhouse or Mobile Home Park	Two (2) spaces per dwelling unit plus 0.5 spaces per dwelling unit for visitors located within 300 feet of the units they are intended to serve.
Community Centers in a Planned Residential Development or Subdivision	One (1) space for each ten (10) dwelling units in the development.
Agriculture	One (1) space per employee.
Agricultural Sales, Nursery or Greenhouse Sales	One (1) space per employee plus one (1) space for each 400 sq. ft. of growing and display area accessible to the public.
Forestry, Fishing	One (1) space per employee.
Mineral Removal	One (1) space for each employee on the two (2) largest shifts, combined.

USE	PARKING SPACES REQUIRED
Churches	One (1) space per four (4) seats or eighty (80) lineal inches of pew, or if there are no pews or seats, one (1) per fifteen (15) sq. ft. of floor area used for assembly.
Day Care Center, Pre-school Facility	One (1) space for each teacher and/or employee on largest shift plus one (1) space per each six (6) students.
Public Utility Building or Structure	One (1) space per employee on peak shift plus one (1) space for each service vehicle stored on the lot.
Schools, Elementary and Junior High	One (1) space for each employee or faculty member.
Schools, Secondary and Post Secondary	One (1) space for each employee or faculty member plus one (1) for each ten (10) students.
Theater, Auditorium or Gymnasium	One (1) space per four (4) seats.
Hospitals and Nursing Homes	One (1) space per three (3) beds and one (1) space for each employee on the peak working shift.
Hotel/Motel	One (1) space per employee on peak shift plus one (1) space per sleeping unit.
Professional Office (Other than Medical), Business Office, Business Services	One (1) space for every three hundred (300) square feet of net floor area.
Banks and Financial Institutions	One (1) space per 300 sq. ft. of gross floor area plus one (1) space per employee on peak shift plus five (5) off-street waiting spaces per drive-in window.
Clinics, Medical Offices	One (1) space for each staff plus three (3) spaces for each examining or treatment room or other patient service position.
Group Care, Personal Care, Transitional Dwelling	One (1) space for each employee on peak shift plus one (1) space for each resident authorized to drive plus one (1) space for each six (6) beds.
Retail Business, Personal Service Establishments	One (1) space for each two hundred fifty (250) sq. ft. of gross floor area.

USE	PARKING SPACES REQUIRED
Fast Food Establishments	One (1) space per fifty (50) sq. ft. of net floor area plus one (1) space per employee on peak shift.
Other Eating and Drinking Establishments	One (1) space for each seventy-five (75) sq. ft. of net floor area plus one (1) space for each employee on peak working shift.
Bowling Alleys	Five (5) spaces for each alley.
Tennis, Racquetball and Handball Courts	One (1) space per employee plus four (4) spaces for each court.
Golf Courses	Eight (8) spaces for each hole plus one (1) space for each employee.
Swimming Pools, Public/Commercial	One (1) space for each fifty (50) sq. ft. of surface water area.
Amusement or Video Arcade	One (1) space for each one hundred (100) sq. ft. of net floor area.
Billiard Parlors	Three (3) spaces for each table.
Dance Halls, Skating Rinks	One (1) space for each one hundred (100) sq. ft. of net floor area.
Amusement Park	One (1) space for each 1,500 sq. ft. of gross lot area.
Health Clubs, Private Clubs	One (1) space for each one hundred (100) sq. ft. of net floor area.
Funeral Homes	Twenty-five (25) spaces for the first parlor plus ten (10) spaces for each additional parlor.
Indoor Places of Assembly	One (1) space for each seventy-five (75) sq. ft. of net floor area.
Outdoor Places of Assembly (Without Fixed Seats)	One (1) space for each 1,500 sq. ft. of gross lot area.
Libraries/Museums	One (1) space for each five hundred (500) sq. ft. of gross floor area.
Service Stations/Vehicle Repair Garage	Four (4) spaces for each bay plus one (1) space for each employee on peak shift plus one (1) space for each business vehicle.

USE	PARKING SPACES REQUIRED
Manufacturing	One space for each 1,500 sq. ft. of gross floor area or one (1) space for each employee on the peak working shift, whichever is greater.
Warehousing, Freight Terminals, Wholesaling	One (1) space for each two (2) employees on peak working shift.
Flex Space	Each portion of the floor area used for office, manufacturing and/or warehousing shall meet the minimum requirements of this Section for that specific use.
All Other Uses	One (1) space for each three (3) occupants at maximum permitted occupancy or one (1) space for each three hundred (300) sq. ft. of gross floor area, whichever is greater.

SECTION 1603 OFF-STREET LOADING

In all Zoning Districts, whenever a new use is established or an existing use is structurally altered, converted or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this Section.

1603.1 Off-Street Loading Design

a. Size

Each loading berth shall be at least sixty-five (65) feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.

b. Access

Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Township Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.

c. Location

All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least thirty (30) feet from the nearest point of intersection of any two (2) streets.

d. Screening

Loading berths shall be screened by a six (6) foot high hedge, wall or opaque fence on all sides which face residential use or zoning district classification.

e. Surfacing

All loading berths shall have a paved, concrete or bituminous surface, graded with positive drainage to dispose of surface water.

f. Lighting

Any lighting used to illuminate loading berths shall be designed to reflect any adjoining residential use or zoning classification and away from any street or highway

1603.2 Off-Street Loading Requirements

In all Zoning Districts, every use which requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:

GROSS FLOOR AREA	NUMBER OF BIRTHS REQUIRED
Under 40,000 sq. ft.	None
40,000 to 59,999 sq. ft.	1 berth
60,000 to 99,999 sq. ft.	2 berths
100,000 to 160,000 sq. ft.	3 berths
For each additional 80,000 sq. ft.	1 additional berth

1603.3 In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public right-of-way.

ARTICLE XVII

SIGNS

SECTION 1700 **APPLICABILITY**

The regulations contained in this Article shall apply to all signs in all Zoning Districts.

SECTION 1701 **TYPES AND CLASSES**

Signs in all Zoning Districts shall be categorized according to the types and classes described below and shall comply with the requirements for those types and classes described in this Section.

1701.1 **Classes**

a. **Freestanding**

A sign supported on a foundation or by one (1) or more uprights, poles or braces permanently affixed to the ground and not attached to any building or other structure, including:

1. **Pole Sign**

A freestanding sign which is supported by one (1) or more poles, uprights or braces and which has a minimum clearance between the bottom edge of the sign and the adjacent ground level, as specified by this Ordinance.

2. **Ground Sign**

A freestanding sign which is affixed to the ground by means of a permanent foundation and which provides a maximum clearance of eighteen (18) inches between the bottom edge of the sign and the adjacent ground level.

b. **Wall**

A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than six (6) inches from the wall of the building.

c. **Arcade Sign**

A sign suspended beneath a ceiling of an arcade, a roof or marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof or marquee to identify the location of establishments within a shopping center or similar building.

d. **Bulletin**

A type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools to announce events.

e. **Roof Sign**

A sign erected and maintained upon or above the roof of any building which projects no more than six (6) feet above the roof.

f. **Overhanging**

A sign, other than a wall sign or arcade sign, affixed to a building or wall whose leading edge extends beyond such building or wall more than six (6) inches, including awnings, marquees or similar structures used for business identification.

g. **Billboard**

An off-premises sign which advertises an establishment, activity, person, product or service which is unrelated to or unavailable on the premises where the billboard is located.

h. **Changeable Copy**

A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

i. **Indirectly Illuminated**

A sign which is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.

j. Internally Illuminated

A sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

1701.2 Types

a. Residential Identification

A sign containing only the name and address of the occupant of the premises.

b. Home Occupation or Home Office Identification

A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted

c. Residential Plan Identification Sign

A permanent wall or freestanding ground sign containing only the name and address of a plan of subdivision or a multifamily building or development.

d. Real Estate

A temporary sign advertising the sale or rental of premises. The sign may also bear the words "sold," "sale pending" or "rented" across their face.

e. Development

A temporary sign erected during the period of construction and/or development of a property by the contractor and the developer or their agent.

f. Construction

A temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.

g. Notification

Signs bearing legal and/or property notices such as: no trespassing, private property, no turnaround, safety zone, no hunting and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.

h. Off-Premises Directional

A sign, other than a Billboard, which directs the public to an establishment, activity, person, product or service which is not sold, produced or available on the property on which the sign is located.

i. On-Premise Directional

A sign which directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.

j. Political Signs

A temporary sign which indicates the name, cause or affiliation of anyone seeking public office or which refers to an issue concerning which a public election is scheduled to be held.

k. Business Identification Sign

A sign which contains the name, address and goods, services, facilities or events available on the premises.

l. Temporary Special Event Display

A banner, flag, pennant or similar display constructed of durable material and affixed to the wall of a building and erected for a period of not exceeding thirty (30) days whose sole purpose is to advertise a special event.

m. Window Display

A sign or group of signs affixed to the inside of a display window in a commercial establishment which advertises a product or service available on the premises or which announces or promotes a special sale or special event.

SECTION 1702 GENERAL REGULATION

The following regulations shall apply to signs in all Zoning Districts:

1702.1 **Restricted Signs**

- a. “A-Frame” or Sandwich Board Signs;
- b. Portable or Wheeled Signs;
- c. Banners and Pennants, other than Temporary Special Event Displays authorized by this Ordinance;
- d. Inflatable structures of any kind;
- e. Moving or Flashing Signs, except for that portion of a permitted sign which indicates time or temperature;
- f. Signs on trees, utility poles or official traffic control devices or signs;
- g. Signs which imitate traffic control devices;
- h. Signs painted on walls or chimneys of a building or on fences or walls;
- i. Strings of lights, flashers, flags, pennants or other display paraphernalia, except those displays specifically authorized by this Article;
- j. Overhanging Signs, as defined herein;
- k. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

1702.2 **Exempt Signs**

- a. Residential Identification Signs, as defined herein;
- b. Holiday decorations displayed for recognized Federal or State holidays, provided they do not interfere with traffic safety or do not, in any other way, become a public safety hazard.
- c. Memorial/Historical Plaques, as defined herein;
- d. Window Displays, as defined herein, provided they shall not exceed twenty percent (20%) of the gross surface area of all windows in an establishment;
- e. Signs erected by a governmental agency, including street signs and official traffic signs, but not including Off-Premises Directional Signs regulated by §1703.8.

1702.3 **Lots With Multiple Street Frontage**

In all Zoning Districts, lots fronting on more than one (1) street shall be permitted to have one (1) sign which is authorized per lot on each street frontage.

1702.4 Temporary Signs

In all Zoning Districts where authorized by Section 1703, real estate, construction and development signs shall be considered temporary signs which shall be removed within thirty (30) days of the completion of sales or construction.

1702.5 Notification Signs

In all Zoning Districts, the number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the Commonwealth. In all Zoning Districts, legal notification signs posted on private property by property owners such as “no trespassing,” “no hunting” and the like shall be limited to a surface area not exceeding two (2) square feet. The placement and maximum number of signs permitted along street frontages shall be one (1) sign for every thirty (30) feet of street frontage.

1702.6 Visibility

No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and off-premises directional signs, shall hang over or be erected within the right-of-way of any street. No sign shall be located within the clear sight triangle defined by §1503.4 of this Ordinance.

1702.7 Illumination

Illumination, when authorized by this Ordinance, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as not to create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.

1702.8 Maintenance and Inspection

All signs shall be constructed of a durable material and maintained in good condition. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner in writing, in accordance with §2001.2 of this Ordinance, to repair or remove the sign within ten (10) days. Upon failure of the owner to comply, the Township shall remove the sign at the owner’s expense.

1702.9 Removal of Signs

Whenever any business is discontinued or vacated, all signs related to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.

1702.10 Permits Required

No permit shall be required for the following types of signs as described in §1701.2 above: Notification Signs, Real Estate Signs, Political Signs, Construction Signs and Off-Premises Directional Signs when the Of-Premises Sign is erected by a governmental agency. Permits shall be required for all other signs authorized by Section 1703 through 1706. The Zoning Officer shall issue the required permits upon submission of an application which complies with applicable provisions of this Ordinance and payment of the required fee established from time to time by Resolution of the Board of Supervisors.

1702.11 Expiration of Permits

Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within six (6) months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

1702.12 Sign Location

Except for Billboards, Political Signs and Off-Premises Directional Signs, as defined herein, where authorized by this Ordinance, all signs shall be located on the premises which they are intended to serve.

SECTION 1703 SIGNS AUTHORIZED IN ALL ZONING DISTRICTS

The following signs are authorized in all Zoning Districts:

1703.1 Bulletin Sign

One (1) Bulletin Sign which is non-illuminated or indirectly or internally illuminated and which does not exceed twenty-four (24) square feet in surface area, shall be permitted in connection with any church, school, library or similar public or semi-public building.

1703.2 Real Estate Sign

One (1) non-illuminated temporary Real Estate Sign shall be permitted on each lot provided the sign shall not exceed six (6) feet in height. The Real Estate Sign shall not exceed twelve (12) square feet in surface area when located in any Residential Zoning District and shall not exceed thirty-two (32) square feet in any other Zoning District. Such signs shall be removed within thirty (30) days of the sale or rental of the property on which it is located.

1703.3 Developmental Sign

One (1) non-illuminated temporary Developmental Sign shall be permitted on each lot provided the surface area of the sign shall not exceed sixteen (16) square feet in surface area. The Developmental Sign shall not exceed eight (8) feet in height. Such sign shall be removed within thirty (30) days of the sale or rental of the last lot or completion of the proposed construction in the development.

1703.4 Construction Sign

One (1) non-illuminated temporary Construction Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed twelve (12) square feet in area and shall be removed within thirty (30) days of the completion of the work.

1703.5 Temporary Special Event Sign

One (1) non-illuminated Temporary Special Event Display Sign, as defined by this Ordinance, shall be permitted to be erected on the face of a public building, church or building housing a non-profit organization, provided that the area of the sign shall not exceed forty (40) square feet and provided the sign is displayed for a period no longer than thirty (30) days and is removed within five (5) days following the event that it is erected to promote.

1703.6 Home Occupation or Home Office Identification Sign

One (1) non-illuminated Home Occupation or Home Office Identification Sign shall be permitted for an approved home office or home occupation, provided that the surface area of the sign shall not exceed two (2) square feet and the sign shall contain only the name, address and occupation of the resident and shall not contain any logo or other advertising. The sign shall be wall mounted or affixed to the structure supporting the mailbox.

1703.7 Political Sign

Non-illuminated temporary Political Signs erected during a political campaign shall be permitted, provided that they are not of a type restricted by §1702.1 of this Ordinance. The signs shall not be erected before thirty-five (35) days prior to the election and shall be removed within ten (10) days after the election for which they were erected.

1703.8 Off-Premises Directional Signs

A maximum of four (4) Off-Premises Directional Signs shall be permitted to be erected along an arterial or collector street, as defined by this Ordinance, by any agency or business other than a governmental agency, except that home occupations or home offices shall not be permitted to have an Off-Premises Directional Sign.

The Off-Premises Directional Signs shall be located within one hundred (100) feet of an intersection of an arterial and collector street with any arterial, collector or local street and maximum number of signs located at any intersection shall be four (4) signs.

The Off-Premises Directional Signs shall be non-illuminated and shall not exceed two (2) square feet in surface area. Such signs shall be permitted in the public right-of-way only if permission is granted by the owner of the right-of-way. Evidence of permission from the landowner shall be required for the signs that are proposed to be erected on property owned by an owner other than the owner of the building or use the sign is intended to serve. Signs located outside the public right-of-way shall be located no more than ten (10) feet from the edge of the right-of-way or no more than fifteen (15) feet from the edge of the cartway, if the right-of-way is not contiguous with the front lot line.

1703.9 On-Premises Directional Signs

On any lot which contains two (2) or more multifamily or non-residential buildings and/or on any lot which provides more than one hundred (100) parking spaces, On-Premises Directional Signs shall be permitted, provided that the surface area of any one (1) sign shall not exceed four (4) square feet.

On lots with areas less than one (1) acre, a maximum of four (4) non-illuminated or indirectly illuminated On-Premises Directional Signs shall be permitted. On lots with areas of one (1) acre or more, a maximum of six (6) non-illuminated or indirectly illuminated On-Premises Directional Signs shall be permitted on the first acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional On-Premises Directional Signs shall be permitted.

SECTION 1704 SIGNS AUTHORIZED IN RESIDENTIAL ZONING DISTRICTS

The following signs shall be permitted in all Residential Districts:

1704.1 Residential Plan Identification Sign

One (1) non-illuminated or indirectly illuminated permanent wall or freestanding ground Residential Plan Identification Sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development shall be permitted provided the sign shall not exceed twenty-four (24) square feet in area. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall, rather than to a building wall, provided that the decorative wall meets applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan in compliance with the clear sight triangle required by §1503.4.

1704.2 Business Identification Sign

One (1) non-illuminated or indirectly illuminated wall or freestanding ground sign for any business use, other than a home occupation, which is a legal non-conforming use or which is authorized as a conditional use or use by special exception in a Residential Zoning District shall be permitted, provided the sign shall not exceed twelve (12) square feet in area.

SECTION 1705 SIGNS AUTHORIZED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

The following signs shall be permitted in all C-1, C-2, I-P and M-1 Districts:

1705.1 Temporary Special Event Display

Temporary Special Event Displays, as defined by this Ordinance, shall be permitted provided that:

- a. No more than two (2) signs or banners shall be permitted on any establishment at any one time;
- b. The Temporary Special Event Display signs shall be securely attached to the building or to the supporting structure of a freestanding pole business identification sign;
- c. Temporary Special Event Display signs shall be displayed for a period not exceeding thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period;
- d. The aggregate surface area of all Temporary Special Event Display signs shall not exceed forty (40) square feet per establishment. In the event that there is more than one (1) establishment on a site, the maximum aggregate surface of all Temporary Special Event Display signs on the site at any one time shall not exceed one hundred (100) square feet;
- e. Portable signs shall not be used as Temporary Special Event Display signs; and
- f. Temporary Special Event Display Signs shall be non-illuminated.

1705.2 **Changeable Copy Sign**

In addition to the authorized business identification signs, one (1) non-illuminated or internally illuminated changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot, which shall not exceed thirty (30) square feet in area and which shall be permanently affixed to the wall of the building or to the supporting structure of an authorized freestanding sign on the lot.

1705.3 **Business Identification Sign**

a. **Wall Signs**

Each business establishment shall be permitted to have wall signs which may be illuminated or non-illuminated. The aggregate area of all wall signs shall not exceed one and one-half (1 ½) square feet for each lineal foot of width of the front wall of the building, or portion of the building, occupied by the business or a maximum of one hundred (100) square feet, whichever is less. The wall identification sign shall not be located on the roof nor extend above the height of the building.

b. **Ground Signs**

In addition to the wall signs, one (1) freestanding ground sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

1. No freestanding pole sign exists or is proposed to be erected on the lot.
2. The maximum surface area of the ground sign shall not exceed twenty-four (24) square feet in the C-1 and C-2 Districts and shall not exceed sixty-four (64) square feet in the I-P and M-1 Districts.
3. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street and in no case shall the total height exceed six (6) feet.
4. Ground signs shall be non-illuminated or indirectly illuminated only. Internally illuminated ground signs shall not be permitted.
5. All freestanding ground signs shall be located at least ten (10) feet from any property line, except where property abuts on a public right-of-way, the ground sign shall be set back at least ten (10) feet from the right-of-way or at least fifteen (15) feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.

c. Pole Signs

In addition to the authorized wall signs, one (1) freestanding pole sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

1. No freestanding pole sign shall be permitted on any property in the I-P, Industrial Park District.
2. No freestanding ground sign exists or is proposed to be erected on the lot.
3. The pole sign shall not be illuminated, indirectly illuminated or internally illuminated.
4. The maximum height of the top of the pole sign shall be twenty (20) feet.
5. The minimum height of the bottom edge of the sign shall be eight (8) feet.
6. The maximum surface area of the freestanding pole sign shall not exceed forty (40) square feet if there is only one (1) business on the lot and shall not exceed sixty-four (64) square feet if there is more than one (1) business on the lot. Neither dimension of such sign shall be less than five (5) feet.
7. No portion of any sign shall project over any public right-of-way nor shall it be located within the clear sight triangle of any street intersection as defined by §1503.4 of this Ordinance.
8. All freestanding pole signs shall be located at least ten (10) feet from any property line, except where property abuts on a public right-of-way, the ground sign shall be set back at least ten (10) feet from the right-of-way or at least fifteen (15) feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.

d. Roof Signs

Roof signs may be illuminated or non-illuminated. Roof signs shall be permitted only in place of a wall sign in the M-1 District. The surface area of a roof sign shall not exceed two (2) square feet for each lineal foot of width of the front wall of the building or a maximum of two hundred (200) square feet, whichever is less. Roof signs shall not project more than six (6) feet above the highest point of the roof on which they are erected.

e. Arcade Signs

In shopping centers or office complexes which have pedestrian access ways covered by a roof, marquee or exterior arcade, one (1) Arcade Sign, as defined herein, shall be permitted for each business in the building, provided that the maximum surface area of each sign shall not exceed eight (8) square feet.

SECTION 1706 BILLBOARDS

Billboards shall not be permitted in any A-1 or "R" Zoning District or in any C-1 or I-P District. Billboards shall be permitted only as conditional uses on property located in the C-2 or M-1 District following recommendation by the Planning Commission and a public hearing by the Board of Supervisors, provided all of the following requirements are met:

1706.1 Location

Billboards may be authorized as a conditional use only in the C-2 or M-1 District, provided all of the following requirements are met:

- a.** Billboards shall not be erected within five hundred (500) feet of the boundary line of any "R" District or within five hundred (500) feet of any public or private school, church or cemetery, said five hundred (500) feet being measured along the radius of a circle from the centermost point of the billboard structure extending in all directions.
- b.** On interstate and limited access highways, billboards shall not be erected within five hundred (500) feet of an interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way.
- c.** Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of seven hundred fifty (750) feet. Required spacing shall be measured along both sides of the same roadway frontage from the centermost point of the billboard structure along a line extending from the centermost point of the billboard which is parallel to the centerline of the roadway to which the billboard is oriented.
- d.** No billboard shall be located closer than ten (10) feet to any public street right-of-way.
- e.** The minimum side and rear yard requirements applying to a principal structure as set forth within the Zoning District in which the billboard is to be located shall apply to each billboard structure.

- f. No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements.
- g. No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated, as defined by §1503.4, of this Ordinance, and shall not in any case obstruct or impede traffic safety.
- h. No sign shall be erected over any sidewalk or public right-of-way.
- i. Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall or other part of a building or any other structure.

1706.2 Size and Height

A billboard shall have a maximum allowable Gross Surface Area of 450 square feet per sign face. This Gross Surface Area shall be permitted, provided all of the following additional requirements are met:

- a. A billboard shall have no more than two (2) sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle or ninety degrees (90) or less.
- b. The dimensions of the gross surface area of the billboard’s sign face shall not exceed twenty (20) feet in total height or twenty-five (25) feet in total length, provided the total allowable Gross Surface Area for the sign face is not exceeded.
- c. A billboard structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of forty (40) feet.

1706.3 Construction Methods

Billboards shall be constructed in accordance with applicable provisions of the Township Building Code, as now or hereafter adopted, and shall meet all of the following additional requirements:

- a. A billboard structure shall have a maximum of one (1) vertical support being a maximum of three (3) feet in diameter or width and without additional bracing or vertical supports.

- b. A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, non-combustible materials. Structures constructed with galvanized metal shall be painted.
- c. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum one hundred (100) mile per hour wind load. Structural design computations shall be made and certified by a Registered Engineer and shall be submitted to the Township with the application for conditional use.
- d. The base shall be installed using a foundation and footings approved by the Township Engineer for the type of construction proposed.
- e. The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum
- f. Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
- g. No bare cuts shall be permitted on a hillside.
- h. All costs or fills shall be permanently seeded or planted
- i. A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum of 1.5 footcandles upon the adjoining property.
- j. Display lighting shall not operate between 12:00 Midnight and 5:00 A.M. prevailing local time.
- k. No billboard structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.
- l. The use of colored lighting shall not be permitted.

1706.4 Maintenance

- a. A billboard structure shall be entirely painted every three (3) years unless constructed of an approved corrosive-resistant material.

- b. Every ten (10) years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania Registered Engineer and shall provide to the Township, a certificate from the Engineer certifying that the billboard is structurally sound.
- c. Annual inspections of the billboard shall be conducted by the Township to determine compliance with this Ordinance.
- d. Billboards found to be in violation of this Ordinance shall be brought into compliance or removed within thirty (30) days upon proper notification by the Township in accordance with §2001.2 if this Ordinance.
- e. Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.

1706.5 Liability Insurance

The applicant for a Sign Permit to erect a billboard shall provide a Certificate of Insurance for public liability and property damage which holds the Township harmless. The amount of insurance to be maintained shall be determined and adjusted from time to time by Resolution of the Board of Supervisors. The insurance certificate shall contain a clause stating that the insurance shall not be canceled or reduced without first giving ten (10) days notice to the Township.

1706.6 Permits

Prior to submission of an application for a Sign Permit, the applicant for a billboard shall obtain and submit with the application, approvals from the United States Federal Aviation Administration (FAA), when applicable.

Approval of the conditional use shall be valid for six (6) months from the date of action by the Board of Supervisors granting the conditional use. If the applicant fails to obtain a Sign Permit for the approved billboard within the six (6) month period, approval of the conditional use shall expire automatically, without written notice to the applicant.

The issuance of a Sign Permit for a billboard which has been granted approval of a conditional use shall be conditioned upon the approval of the Pennsylvania Department of Transportation (Penn DOT) for billboards along State Highways. If the applicant fails to submit evidence of the required approval by Penn DOT within thirty (30) days of the issuance of the conditional Sign Permit, the Sign Permit shall be revoked by the Township Zoning Officer who shall provide written notice to the applicant.

The applicant may reapply for the required Sign Permit, upon submission of evidence of Penn DOT approval, without payment of any additional Sign Permit Fee, provided the application is filed within the six (6) month period during which the conditional use approval is valid.

1706.7 Application Fees

Said application shall be accompanied by an Application Fee in an amount equal to that set from time to time by Resolution of the Board of Supervisors.

1706.8 Nonconforming Billboards

Any billboard which does not conform to the requirements of this Section shall not be enlarged or moved unless the billboard complies with all provisions of this Section.

Any billboard which is damaged or destroyed by more than fifty-one percent (51%) of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this Section 1706.

ARTICLE XVIII

NONCONFORMING USES, STRUCTURES AND LOTS

SECTION 1800 **APPLICABILITY**

This Article shall apply to all nonconforming uses, structures and lots, as defined by this Ordinance. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance or any amendment thereto.

SECTION 1801 **NONCONFORMING USES**

These regulations shall apply to any use of a structure or lot in any Zoning District which is a nonconforming use as defined by this Ordinance. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another Zoning District of a different classification, these regulations shall apply to any uses which thereby become nonconforming.

1801.1 Continuation and Sale

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and maybe continued as long as it remains otherwise lawful in accordance with the provisions of this Article.

1801.2 Enlargement of Expansion

No nonconforming use of a lot or a nonconforming use of a structure shall be enlarged or increased or extended to occupy a greater area of the lot or structure than was occupied at the effective date of adoption or amendment of this Ordinance, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessitated by the natural expansion and growth of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the Zoning District in which it is located.

No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Ordinance.

Any nonconforming use may be extended throughout any part of a structure which was designed for such use at the time the use became nonconforming; however, a nonconforming use shall not be extended to occupy any structure, lot or portion of a lot that was not owned by the owner of the nonconforming use at the time the use became nonconforming.

1801.3 Change of Use

A nonconforming use shall not be changed to any use other than a conforming use, except as permitted as a use by special exception by the Zoning Hearing Board in accordance with the following standards:

- a. The new use will more closely correspond to the uses authorized in the District as permitted uses, conditional uses or uses by special exception.
- b. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
- c. The applicant clearly demonstrates a hardship in converting the use to a conforming use in accordance with the criteria of Section 1905 for obtaining a variance.

When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements of Article XVI for the use and shall be subject to the area, bulk and buffer area regulations for such use in the zoning district where such use is authorized as a permitted use, conditional use or use by special exception.

Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

1801.4 Abandonment

When a nonconforming use of a structure and/or lot is discontinued or abandoned for twelve (12) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located.

In the case of a building or structure that previously housed a nonconforming use that has been abandoned, and that, because of its physical characteristics, cannot easily be converted to a conforming use, the Zoning Hearing Board may authorize the establishment of a nonconforming use as a use by special exception subject to the criteria of §1801.3 governing change of use and the applicable criteria of §1403.13 governing comparable uses not specifically listed.

1801.5 Damage or Destruction

Residential dwellings which are nonconforming uses in the C-1, C-2, I-P or M-1 Districts may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within three (3) years of the date of destruction.

In the case of nonconforming uses, other than dwellings, when damage or destruction of a structure in which the nonconforming use is conducted involves fifty percent (50%) or less of the total floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within eighteen (18) months of the date of destruction.

In the case of nonconforming uses, other than dwellings, when the structure in which the nonconforming use is conducted is damaged or destroyed by fire or other means to an extent of more than fifty percent (50%) of its total floor area, the structure shall be reconstructed only to house a conforming use.

SECTION 1802 NONCONFORMING STRUCTURES

These regulations shall apply to all nonconforming structures, as defined by this Ordinance, in all Zoning Districts.

1802.1 Structural Alteration

No nonconforming structure shall be enlarged or structurally altered in a way which increases its nonconformity, except when the Zoning Hearing Board, after public hearing, may determine undue hardship and may authorize a variance for the reasonable modification of such structure.

1802.2 Damage or Destruction

Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and reoccupancy of the structure occurs within eighteen (18) months of the date that the original structure was damaged or destroyed.

1802.3 Moving

Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the Zoning District in which it is located.

1802.4 **Signs**

Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than fifty percent (50%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance.

Nonconforming signs shall not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.

1802.5 **Repair or Maintenance**

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public, provided all other requirements of this Section are met.

SECTION 1803 **NONCONFORMING LOTS**

The following regulations shall apply to nonconforming lots, as defined by this Ordinance.

1803.1

Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.

1803.2

Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record shall be the average depth of the nonconforming front yards on the immediately adjacent developed nonconforming lots on either side of the undeveloped lot.

SECTION 1804 **REGISTRATION OF NONCONFORMITY**

The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Ordinance or any amendment which created the nonconformity, the Zoning Officer shall register the same on a map and by Lawrence County Assessor's Tax Parcel Number as a legal nonconforming use.

In the course of administering this Ordinance and reviewing applications for zoning approval, building permits, certificates of occupancy or variance, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

ARTICLE XIX

ZONING HEARING BOARD

SECTION 1900 MEMBERSHIP

The membership of the Zoning Hearing Board shall consist of three (3) residents of the Township appointed by the Board of Supervisors. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. The membership of the Zoning Hearing Board may be increased to five (5) members in accordance with the provisions of Section 903(a) of the Pennsylvania Municipalities Planning Code.

SECTION 1901 ALTERNATE MEMBERS

1901.1 Appointment of Alternate Members

The Board of Supervisors may appoint by Resolution at least one (1), but no more than three (3), residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §1901.2, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to §1901.2 of this Ordinance.

1901.2 Participation by Alternate Members

If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.

SECTION 1902 REMOVAL OF MEMBERS

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in the office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

SECTION 1903 ORGANIZATION OF THE BOARD

1903.1 Officers

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves

1903.2 Quorum

For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all members of the Zoning Hearing Board except when member(s) of the Zoning Hearing Board are disqualified to act in a particular matter, alternate members shall appointed to provide a quorum.

1903.3 Hearing Officer

The Zoning Hearing Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board and accept the findings or decision of the Hearing Officer as final.

1903.4 Procedures

The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth of Pennsylvania.

1903.5 Files and Annual Report

The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the Board of Supervisors once a year.

SECTION 1904 JURISDICTION OF THE BOARD

The Zoning Hearing Board Shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- 1904.1** Substantive challenges to the validity of any land use ordinance, except curative agreements brought before the Board of Supervisors.
- 1904.2** Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the ordinance.
- 1904.3** 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 therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- 1904.4** Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- 1904.5** Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance pursuant to Section 1905.
- 1904.6** Applications for uses by special exception under this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Article XVI and Section 1906 of this Ordinance.
- 1904.7** Appeals from the Zoning Officer’s determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).
- 1904.8** Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development and not involving subdivision and land development or planned residential development.

SECTION 1905 VARIANCES

The Board, upon approval, shall have the power to authorize variances from the requirements of this Ordinance, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made where relevant in a given case:

- 1905.1** That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
- 1905.2** That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 1905.3** That such unnecessary hardship has not been created by the appellant.
- 1905.4** That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- 1905.5** That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

SECTION 1906 USES BY SPECIAL EXCEPTION

The Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with its general purpose and intent, and in accordance with the standards set forth in Article XIV. The Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Article XIV. In granting a use by special exception, the Board may attach such reasonable safeguards in addition to those expressed in this Ordinance, as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare.

SECTION 1907 NOTICE AND CONDUCT OF HEARING

1907.1 Notice

Written notice of the hearing shall be given to the public, the applicant, the Zoning Officer, the Board of Supervisors, the Planning Commission and to any person who has made timely request for the same. A notice of the hearing shall be given to other persons at such a time and in such manner as the Board of Supervisors or the Zoning Hearing Board shall designate

Public notice, as defined herein shall be given for the public hearing. In addition, written notice of said hearing shall be conspicuously posted on the affected tract or tracts of land or water body at least one (1) week prior to the public hearing.

1907.2 Conduct of Hearing

The Board shall conduct hearings in accordance with the following requirements:

- a.** The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- b.** The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- c.** The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- d.** The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- e.** The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- f.** Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- g.** The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. Fees for the stenographer and transcript are governed by §1910.2 of this Ordinance.

- h. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- i. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

SECTION 1908 FAILURE TO RENDER A DECISION

Where the Board fails to render a decision within the required forty-five (45) day period or fails to hold the required hearing within sixty (60) days of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.

When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

SECTION 1909 MEDIATION

Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township, in offering the mediation option, shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- a. Funding mediation.
- b. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
- c. Completing mediation, including time limits for such completion.
- d. Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), provided there is written consent by the mediating parties, and by an applicant or Township decision-making body, if either is not a party to the mediation.
- e. Identifying all parties and affording them the opportunity to participate.
- f. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- g. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance.

No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 1910 FEES AND EXPENDITURES

1910.1 Fees

The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

1910.2 Stenographer's Appearance Fee and Transcripts

The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

1910.3 Expenditures

Members of the Board may receive compensation for the performance of their duties as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical services.

SECTION 1911 TIME LIMITATIONS

No person shall file any proceeding before the Zoning Hearing Board later than thirty (30) days after a preliminary or final application for development has been approved by an appropriate Township officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a Planned Residential Development or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 1912 STAY OF PROCEEDINGS

Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Lawrence County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by Subsection 908(9) of the Pennsylvania Municipalities Code (Act 247, as amended).

ARTICLE XX

ADMINISTRATION AND ENFORCEMENT

SECTION 2000 ZONING OFFICER POWERS AND DUTIES

The provisions of this Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by the Board of Supervisors. The Zoning Officer shall hold no elective office in the Township. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning.

The Zoning Officer shall have all the powers and duties conferred upon him by this Ordinance and the Pennsylvania Municipalities Planning Code. The Zoning Officer's duties shall include the following:

- a. Receive and examine all applications for zoning approval, building permits and certificates of occupancy;
- b. Notify applicants of any deficiencies in applications and request additional information.
- c. Process applications for zoning approval, building permits and certificates of occupancy for all permitted uses;
- d. Receive applications for uses by special exception and variances and forward these applications to the Zoning Hearing Board for action prior to considering issuance of zoning approval, building permits or certificates of occupancy for the proposed uses.
- e. Receive applications for conditional uses and forward these applications to the Planning Commission and Board of Supervisors for recommendation and action prior to considering issuance of zoning approval, a building permit or certificate of occupancy for the proposed use.
- f. Issue permits only where there is compliance with the provisions of this Ordinance, with other Township ordinances and the laws of the Commonwealth.
- g. Issue denials of zoning approval, a building permit or certificate of occupancy and refer any appeal of the denial to the Zoning Hearing Board for action thereon.
- h. Conduct inspections and surveys to determine compliance or noncompliance with this Ordinance.
- i. Issue enforcement notices in accordance with the requirements of Section 2001, below.

- j. With the approval of the Board of Supervisors, or when directed by the Board, institute, in the name of the Township, any appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation so as to prevent the occupancy or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- k. Revoke any order or permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
- l. Record and file all applications for zoning approvals, building permits and certificates of occupancy with accompanying plans and documents and maintain those files as a public record.
- m. Maintain the official Zoning District Map for the Township.
- n. Register nonconforming uses, structures and lots in accordance with Section 1804 of this Ordinance.
- o. Submit a monthly written report to the Board of Supervisors of all Building Permits, Certificates of Occupancy, Sign Permits, Temporary Use Permits and all notices of violation and orders issued.
- p. Meet with the Planning Commission no less frequently than quarterly to advise the Commission regarding potential developments and to discuss any problem in administering this Ordinance and/or recommend amendments to this Ordinance.

SECTION 2001 ENFORCEMENT

2001.1 Violations

Failure to comply with any provisions of this Ordinance; failure to secure zoning approval or a building permit prior to the erection, construction, extension, structural alteration, addition or occupancy of a building or structure; or failure to secure a certificate of occupancy of structures or land, shall be a violation of this Ordinance.

2001.2 Enforcement Notice

The Enforcement Notice shall contain the following information:

- a. The name of the owner of record and any other person against whom the Township 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 this Ordinance.
- d. The date before which 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 the procedures set forth in this Ordinance.
- f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

2001.3 Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement 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 this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonable attorneys fees collected for the violation of this Ordinance shall be paid over to the Township.

The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.

Nothing contained in this Subsection shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Subsection.

2001.4 **Causes of Action**

In case any building or structure is erected, constructed, reconstructed, structurally altered, repaired, converted or maintained or any building or structure or land is used in violation of this Ordinance or any other ordinance or regulation made under authority conferred hereby, the Board of Supervisors or, with approval of the Board of Supervisors, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Township, any appropriate action or proceeding to: prevent, restrain, correct or abate such unlawful erection, construction, reconstruction, structural alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use which constitutes a violation.

SECTION 2002 **COORDINATION WITH OTHER TOWNSHIP REQUIREMENTS AND PERMITS, STATE AND FEDERAL REQUIREMENTS AND PERMITS**

In all cases, any application for a permit of any of the types described in this Ordinance shall be decided not only on the basis of compliance with this Zoning Ordinance but also on the basis of compliance with all other applicable Township Ordinances and all other applicable rules and regulations of the various Township authorities and agencies which might be concerned, as well as State and Federal requirements and permits.

SECTION 2003 **ZONING APPROVAL REQUIRED**

No land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed; and no building or structure may be used or occupied or the use changed until zoning approval has been obtained from the Zoning Officer.

In the instances where a building permit is required and applied for, such application shall include both the building permit and zoning approval. In those instances where no building permit is required, an application for a certificate of occupancy for a new or changed use of land or structure shall include both zoning approval and the certificate of occupancy.

In the case of a conditional use or use by special exception, the Zoning Officer shall refer the application to the Planning Commission and Board of Supervisors or to the Zoning Hearing Board, whichever is applicable, for a decision granting zoning approval, prior to processing the application for a building permit or certificate of occupancy.

SECTION 2004 **BUILDING PERMIT REQUIREMENTS**

2004.1 **When Required**

A Building Permit shall be required prior to the:

- a. Placement, erection or construction of a principal or accessory building or structure.
- b. Exterior alteration that changes the exterior dimensions of a building or structure or the reconstruction of a building or structure.
- c. Addition to a building or structure.
- d. Relocation or removal of a building or structure.

It shall be unlawful for any person or persons to commence work for any building activity noted herein until a Building Permit has been duly issued thereto.

2004.2 Exceptions

No Building Permit shall be required in cases of:

- a. Normal maintenance activities.
- b. Alterations which do not change the exterior dimension(s) of a building including new facing of structures.

2004.3 Coordination with Other Permits

No Building Permit shall be issued until:

- a. Pennsylvania Department of Labor and Industry Approval (Pennsylvania Fire and Panic Act of 1927) has been obtained, if applicable.
- b. An Erosion Control Permit has been issued by the County Soil Conservation District Office or Pennsylvania Department of Environmental Protection, if applicable, and all fees connected therewith, have been paid for in full and all work thereunder has been certified to have been fully completed in conformity with the requirements of said permit.
- c. A recorded subdivision plat or a finally approved land development plan, as required under the Township Subdivision and Land Development Ordinance, and all fees including supplemental fees connected therewith, have been paid for in full, if applicable.
- d. Western Pennsylvania Water Company and Township Sewer Authority Approvals have been paid for in full. Or, if applicable, a safe, potable water supply approved by the Pennsylvania Department of Environmental Protection has been obtained. Also, if applicable, a permit for an on-site sewage disposal system has been obtained from the Township's Sewage Enforcement Office in accordance with the Pennsylvania Department of Environmental Protection and all fees connected therewith, have been paid in full.

- e. Pennsylvania Department of Community and Economic Development (DCED) approval in connection with the Building Energy Conservation Act, (PA, Act 222 of 1980) has been obtained, if applicable.
- f. A Pennsylvania Department of Transportation or Township Occupancy Permit to authorize encroachment upon a State or Township right-of-way, has been issued, if applicable, and all fees connected therewith, have been paid for in full.
- g. Any other applicable Federal, State, County and local permits and/or approvals have been obtained.

2004.4 Application for Permit

All requests for Building Permits shall be made in writing by the owner of his authorized agency on a form furnished by the Township and shall include a statement of the intended use of the building; a Site Plan and a Building Plan, both prepared in triplicate and drawn to scale; and copies of all required County, State and/or Federal permits as approved by the appropriate agency and shall include the following information at minimum:

- a. All applications for a Building Permit shall be accompanied by three (3) copies of a site plan, drawn to scale, showing: key location map; graphic scale, North arrow, closest intersecting public road; exact dimensions and total acreage of the lot(s) or parcel; zoning of lots and zoning of all abutting properties; exact location and exterior dimensions of the existing and proposed building(s) or other structures(s); exact location and area of all existing and proposed water courses, drainage ways, rights-of-way and easements; exact location of existing and proposed driveways, streets and roads within, adjacent and opposite of the lot(s) or parcel; exact location of existing and proposed off-street parking, loading and pedestrian movement facilities; exact location of existing and proposed visual line(s) and all dimensions of front, side and rear yards for all principal and accessory uses; and any other additional data as may be deemed necessary and be requested by the Planning Commission, Board of Supervisors or the Zoning Officer to determine compliance with this Ordinance.
- b. The Zoning Officer may require an applicant to furnish a survey of the lot by a Pennsylvania Registered Land Surveyor when complete and accurate information is not readily available from existing records.
- c. The Zoning Officer may require additional data to determine compliance with this Ordinance.

It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted and request more information of the applicant, or officially receive the application for review by the appropriate Township agencies.

Unless such requirement is waived by the Board of Supervisors, all applications for a Building Permit shall be accompanied by a fee, to be based upon the fee schedule of the Township, as provided for in Section 2009 of this Ordinance.

2004.5 Issuance of a Building Permit

- a. Application for a Building Permit concerning the erection or structural alteration of an individual single-family detached dwelling and associated accessory use(s) shall be reviewed by the Township Zoning Officer.

- b. Applications for a Building Permit concerning any other building activity shall be reviewed by the Planning Commission and Board of Supervisors in accordance with the land development plan approval procedures outlined in the Township Subdivision and Land Development Ordinance. The Building Permit shall not be issued by the Zoning Officer until review by the Planning Commission and Final Approval by the Board of Supervisors.

- c. Upon approval of the request for a Building Permit, one (1) copy of the site plan shall be returned to the applicant along with one (1) copy of the Building Permit which shall be publicly displayed at the building site during the course of construction of such site. One (1) copy of such permit shall be kept on file in the Township Office.

2004.6 Denial of Permit

In the event of a denial, the Zoning Officer shall state in writing the reason(s) for such denial including the citation of the specific section(s) of this or other pertinent ordinances that have not been met.

2004.7 Posting of Building Permit

The Building Permit issued by the Zoning Officer shall be prominently posted upon the permitted premises prior to work being undertaken to place, erect, construct, alter, reconstruct, add to a building or structure. The failure or neglect of the applicant to prominently post the permit and maintain the same throughout the duration of the permitted work shall be a violation of this Ordinance.

Duplicate permits shall be issued by the Zoning Officer without charge. Loss, destruction or defacement of any posted permit shall be promptly reported to the Zoning Officer within twenty-four (24) hours after such event or casualty, Sundays and legal holidays excepted.

2004.8 Expiration of Building Permit

All Building Permits shall expire upon completion of the work authorized therein to be done or within one (1) year from the issuance thereof, whichever event shall first occur. Permits may be issued for periods in excess of one (1) year upon cause show. A Building Permit shall expire if the work authorized therein to be done is not commenced within one hundred eighty (180) days from the date of issuance thereof. Renewal of such permit will be granted only upon reapplication for the permit, including payment of the required fee.

2004.9 Inspection

The Zoning Officer, or his fully appointed representative, may make inspections on property for which a permit has been issued.

2004.10 Failure to Obtain Building Permit

Failure to obtain a Building Permit shall be a violation of this Ordinance and shall be subject to the enforcement remedies of this Ordinance.

SECTION 2005 CERTIFICATE OF OCCUPANCY

A Certificate of Occupancy shall be required prior to:

- a. Occupancy of any structure following completion of construction, reconstruction or enlargement of the structure governed by an approved Building Permit.
- b. A change in the use of an existing building, structure, water body or land area except for the same use operated by a different owner.
- c. A change of a nonconforming use, building or structure authorized by the Zoning Hearing Board.

2005.1 Application for Permit

All requests for a Certificate of Occupancy shall be made in writing, on a form furnished by the Township, completed by the owner, or the authorized agent and shall include a statement of the type of proposed use intended for the building, land or water body.

- a. A Certificate of Occupancy for a change of use in an existing building shall be applied for and shall be issued before any such building shall be changed in use.
- b. It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted, to request more information of the applicant or officially receive the application.

- c. Unless such requirement is waived by the Board of Supervisors, all applications for a Certificate of Occupancy shall be accompanied by a fee to be based upon the fee schedule of the Township, as provided for in Section 2009 of this Ordinance.

2005.2 Issuance of a Certificate of Occupancy

Applications for a Certificate of Occupancy shall be reviewed by the Zoning Officer. The Zoning Officer shall issue the findings or approval of the application.

- a. Upon approval of the request for a Certificate of Occupancy, one (1) copy of the Certificate shall be given to the applicant, and one (1) copy of the Certificate shall be kept on file in the Township Office.

2005.3 Denial of Certificate of Occupancy

In the event of denial, the Zoning Officer shall forward to the applicant, a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

2005.4 Time Limitations

A Certificate of Occupancy shall remain valid for as long as the structure or building is used in the manner the Certificate has been issued for.

2005.5 Temporary Certificate of Occupancy

A temporary Certificate of Occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months to permit partial occupancy of a building while work is being completed, provided such temporary Certificate of Occupancy may require such conditions and safeguards as may be warranted, including posting of surety, to protect the health and safety of the occupants and the public.

2005.6 Failure to Obtain a Certificate of Occupancy

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in this Ordinance.

2005.7 Renewal of Certificate of Occupancy

For any use that requires annual renewal of the Certificate of Occupancy, an application for renewal shall be submitted to the Zoning Officer at least thirty (30) days before the expiration date. Failure to file an application for renewal shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2001.

The Zoning Officer shall act on the application for renewal after performing an inspection to determine continuing compliance with this Ordinance. The Zoning Officer shall approve or deny the application for renewal within thirty (30) days of receipt of the application. In the case of denial, a written notice shall be provided to the applicant, citing the provisions of this Ordinance that have not been met. Refusal to allow an inspection of the premises shall be cause to deny renewal.

SECTION 2006 TEMPORARY USE PERMITS

A Temporary Use Permit shall be required prior to the initiation of a permitted, temporary use of a structure, land or water body and shall meet the following requirements:

2006.1 Application for Permit

All requests for Temporary Use Permits shall be made in writing on a form furnished by the Township and shall include a full description of the type of use for which such permit is being sought and the dates during which the use shall be in existence.

- a. It shall be the duty of the Zoning Officer to review the application for compliance, request more information of the applicant or officially receive the application.
- b. Unless such requirement is waived by the Board of Supervisors, all applications for a Temporary Use Permit shall be accompanied by a fee, to be based upon the fee schedule adopted by the Township, as provided for in Section 2009 of this Ordinance.

2006.2 Issuance of Permit

Applications for a Temporary Use Permit shall be reviewed by the Zoning Office. The Zoning Officer shall issue approval or denial of the Temporary Use Permit.

- a. Upon approval of the request for a Temporary Use Permit, one (1) copy of the permit shall be given to the applicant. The copy of the permit must be publicly displayed at the site of the temporary use during the existence of the use. One (1) copy of the permit shall be kept on file in the Township office.

2006.3 Denial of Permit

In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial and shall cite the specific requirement of this Ordinance that have not been met.

2006.4 Time Limitations

Temporary Use Permits are valid for the time period(s) specified in this Ordinance.

2006.5 Inspections

The Zoning Officer, or his fully appointed representative, may make an inspection of the property on which such temporary use is to be located to determine the suitability of the site for the use. This inspection shall be made prior to issuing a permit, prior to initiation of the use or in the event of a renewal of the permit is requested, during the time the use is in existence.

In the event of such inspection, a record shall be made indicating the time and date of inspection; the findings of the Zoning Officer in regard to conformance with this Ordinance and other Township Ordinances; and the opinion of the Zoning Officer in regard to the suitability of the site for this use.

2006.6 Failure to Obtain a Temporary Use Permit

Failure to obtain a Temporary Use Permit shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in this Ordinance.

SECTION 2007 SIGN PERMITS

A Sign Permit shall be required prior to the erection or structural alteration of any sign, either permanent or temporary. It shall be unlawful for any person to commence work for the erection or alteration of any sign until a permit has been issued. No sign permit shall be required for real estate signs; nameplate signs; or official governmental street, road and traffic control signs.

2007.1 Application for Permit

All requests for Sign Permits shall be made in writing on a form furnished by the Township and shall include a full description of the proposed sign, a description of the lot upon which such proposed sign is to be located and a description of any other existing signs on the same lot.

- a. All applications for a Sign Permit shall be accompanied by two (2) copies of a drawing/plan showing: width of sign; height of sign; gross surface area of sign; total height of sign above adjacent ground level; clearance between bottom most part of sign and ground level; distance between front edge of sign and adjacent street or road right-of-way; and distance between front edge of sign and inside edge of adjacent sidewalk, if applicable.
- b. It shall be the duty of the Zoning Officer to review the application for completeness and compliance, request more information of the applicant or officially receive the application for the sign.
- c. All applications for a Sign Permit shall be accompanied by a fee, to be based upon the fee schedule of the Township as provided for in Section 2009 of this Ordinance, unless such requirement is waived by the Board of Supervisors.

2007.2 Issuance of Permits

- a. Applications for a Permanent Sign shall be reviewed by the Planning Commission. The Zoning Officer shall not issue a permit until receipt of review comments of the Planning Commission.
- b. Applications for a Temporary Sign Permit shall be reviewed by the Zoning Officer.
- c. Upon approval of the Sign Permit, one (1) copy of the permit shall be given to the applicant, and one (1) copy of the permit shall be kept on file in the Township Office.

2007.3 Denial of Permit

In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

2007.4 Inspections

- a. For a Permanent Sign Permit, the Zoning Officer, or his fully appointed representative, may make the following inspections on property which the permanent sign is to be located: prior to installation of the sign, following installation of the sign, occasionally to determine continued maintenance and compliance with this Ordinance, in response to any written complaint, whenever the sign is proposed to be replaced or modified and upon cessation of the use for which the sign was erected.
- b. For a Temporary Sign Permit, the zoning officer, or his fully appointed representative, may make inspection(s) to determine conformance with this Ordinance and other applicable Township ordinances and the suitability of the site for this use.

SECTION 2008 PROCEDURE FOR AMENDMENTS

The Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning District Map, as proposed by the Board of Supervisors or by the Planning Commission or by a petition of a landowner of property within the Township.

2008.1 Petitions

Petitions for amendments shall be filed with the Planning Commission at least ten (10) calendar days prior to the meeting at which the petition is to be heard. In the case of a petition for reclassification of property, the petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned. All petitions shall include a statement justifying the request and a filing fee, in accordance with the fee schedule fixed by Resolution of the Board of Supervisors. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Board of Supervisors.

2008.2 Referral

Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Township Planning Commission and the Lawrence County Planning Commission shall be referred to these agencies for review at least thirty (30) days prior to the public hearing upon such amendments until the required reviews are received or the expiration of thirty (30) days from the date of the referral, whichever comes first.

2008.3 Posting of Property

If the proposed amendment involves a change to the Zoning District Map, notice of the public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens at least seven (7) days prior to the date of the public hearing.

2008.4 Public Notice and Public Hearing

Before acting on a proposed amendment, the Board of Supervisors shall hold a public hearing thereon. Public notice, as defined by this Ordinance, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.

2008.5 Readvertisement

If after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

2008.6 Publication, Advertisement and Availability

Proposed amendments shall not be enacted unless the Board of Supervisors gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

The Board of Supervisors shall publish the proposed amendment once in a newspaper of general circulation in the Township and not more than sixty (60) nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:

- a. A copy thereof shall be provided to the newspaper at the time public notice is published.
- b. An attested copy of the proposed ordinance shall be filed in the County Law Library.

2008.7 Action

Within ninety (90) days of the date when the public hearing on the proposed amendment is officially closed, the Board of Supervisors shall vote on the proposed amendment. In the event substantial amendments are made in the proposed amendment, the Board of Supervisors shall advertise in one (1) newspaper of general circulation in the Township a brief summary of the amendments at least ten (10) days prior to enactment.

2008.8 Filing Amendment with County Planning Commission

Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Lawrence County Planning Commission.

2008.9 Mediation Option

The Board of Supervisors may offer the mediation option as an aid in completing the proceedings authorized by Section 2008. The Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1909 of this Ordinance.

SECTION 2009 FEES

The Board of Supervisors shall establish and revise, from time to time, a schedule of fees by Resolution, as well as a collection procedure, for all applications submitted under the provisions of this Ordinance. The schedule of fees shall be available to the public from the Zoning Officer or Township Secretary.

SECTION 2010 LANDOWNER CURATIVE AMENDMENTS

A curative amendment may be filed by a landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or the Zoning District Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest.

2010.1 Procedure

The landowner may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 and 1004 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. As with other proposed amendments, the curative amendment shall be referred to the Township Planning Commission and the Lawrence County Planning Commission at least thirty (30) days before the hearing is conducted by the Board of Supervisors. Public notice shall be given in accordance with Sections 610, 1004 and other applicable provisions of the Pennsylvania Municipalities Code. The hearings shall be conducted in accordance with the provisions of Subsections (4) through (8) of Section 908 of the Pennsylvania Municipalities Planning Code and all references in that Section to the Zoning Hearing Board shall be references to the Board of Supervisors.

2010.2 Evaluation of Merits of Curative Amendment

If the Board of Supervisors determines that a validity challenge has merit, the Board of Supervisors may accept a landowners curative amendment, with or without revision, or may adopt an alternative amendment which will cure the alleged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

- a.** The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
- b.** If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning District Map;
- c.** The suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
- d.** The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

- e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

2010.3 Declaration of Invalidity by Court

If the Township does not accept a landowner's curative amendment brought in accordance with this Section and a Court subsequently rules the challenge has merit, the Court's decision shall not result in a declaration of invalidity for this entire Ordinance, but only for those provisions which specifically relate to the landowner's curative amendment challenge.

ORDAINED AND ENACTED THIS ___ DAY OF _____, 2021.

TOWNSHIP OF SHENANGO

NAME, Chairman
Board of Supervisors

NAME, Vice Chairperson
Board of Supervisors

NAME, Supervisor

ATTEST:

NAME, Secretary-Treasurer