

WARRIORS MARK TOWNSHIP
Huntingdon County
Pennsylvania

ZONING
ORDINANCE

ORDINANCE #2015-01

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**ARTICLE I
PURPOSE AND OBJECTIVES**

SECTION 101 SHORT TITLE

This Ordinance shall be known and cited as the “Warriors Mark Township Zoning Ordinance.”

SECTION 102 PURPOSE

The provisions of this Zoning Ordinance are adopted for the following purposes:

- A. To accomplish the purposes enumerated in Section 604(1) of the Pennsylvania Municipalities Planning Code including the protection of the public health, safety and general welfare;
- B. To ensure a safe and reliable water supply;
- C. To preserve prime farmland and agricultural activities based upon soil type and present use; and
- D. To accommodate and guide overall community growth.

SECTION 103 COMPLIANCE WITH ORDINANCE

No land, building, structure or premises shall be used, and no building or part thereof or other accessory structures shall be located, erected, reconstructed, extended, enlarged, converted, altered or moved except in conformity with the regulations specific for the district in which it is located.

SECTION 104 RELATIONSHIP TO SUBDIVISION ORDINANCE

- A. All subdivision and land development proposals shall follow the procedures and meet the applicable requirements of the Warriors Mark Township Subdivision and Land Development Ordinance, as amended.
- B. Applicants shall secure zoning review and approval prior to the plan submission for subdivision or land development.
- C. Zoning Permits shall not be granted unless the parcel is a lawfully existing tract prior to the 2005 zoning ordinance, or part of an approved subdivision plan or if a land development plan is approved for the particular use proposed, as applicable.

SECTION 105 SEVERABILITY

If any article, section, paragraph, sentence, or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions of the Ordinance.

SECTION 106 REPEALER

All ordinances and/or resolutions and/or parts thereof inconsistent with this Ordinance are hereby repealed, including specifically Ordinances 2005-2 and 2010-1.

SECTION 107 INTERPRETATION

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

SECTION 108 COMMUNITY DEVELOPMENT OBJECTIVES

GOAL

To create a reasonable balance between development and open space while protecting agriculture and sensitive environmental areas and providing an attractive setting for new home development.

OBJECTIVES

Natural Resources and the Environment

1. Retain natural features that reflect the beauty and heritage of the Township.
2. Protect floodplains, wetlands, and stream corridors.
3. Promote awareness of the Spruce Creek watershed and its tributary, Warriors Mark Run.
4. Implement riparian buffer regulations along Warriors Mark Run.
5. Protect water resources by regulating land uses that would jeopardize the future water supply.
6. Regard rainwater as a natural resource to be retained and used locally.
7. Enhance water resources by effective stormwater management in all new development.

Transportation

1. Consider land use and transportation as related issues in order to enhance safety and efficiency in the Township.
2. Improve safety of local roads by consolidating access points and driveways to the greatest extent possible.
3. Improve the efficiency and appearance of the Route 350 and 550 intersection and village area with “traffic calming” tools such as sidewalks and improved access points.
4. Consider the regional transportation network such as I-99 in the regulation of land uses.
5. Carry out regular maintenance of roads and participate in cooperative agility programs of the State where appropriate.
6. Develop an interconnected system of pedestrian and bicycle corridors that can be used for both transportation and recreational purposes.

Housing

1. Develop and utilize Township regulations to assure the Township will be a desirable living environment for families of the future.
2. Protect existing traditional neighborhoods from incompatible development.
3. Provide for a wide range of new housing with regard to density and affordability.
4. Concentrate residential growth in areas served by municipal water and other appropriate infrastructure.
5. Encourage “smart growth” practices that will promote high quality residential areas.
6. Promote housing patterns that respect the natural environment by retaining natural features as a part of the subdivision design.

Community Facilities

1. Identify future growth areas where infrastructure such as public water is located.
2. Consider adoption of wellhead protection measures to protect groundwater associated with the Water Authority.
3. Provide/approve sewage facilities that will maintain the water supply and prevent both surface and groundwater contamination.
4. Provide a range of recreational facilities to serve all age levels, particularly the growing younger segment of the population.
5. Establish a municipal building as a focal point for community services.

Land Use

1. Develop and utilize land use ordinances to preserve the scenic quality of the rural landscape, recognizing its role in securing a satisfying quality of life.
2. Protect wildlife habitat by preserving open space in unfragmented, consolidated patterns.
3. Direct new development to designated “growth areas” in order to minimize sprawl.
4. Recognize that agriculture is the Township’s primary industry and that its viability should be encouraged by minimizing land use conflict.
5. Protect the land resource base on which farming depends, namely productive Class I, II and III soils.

ARTICLE II DEFINITIONS

For the purpose of this Ordinance, certain terms and words shall be interpreted as follows:

- Words in the present tense also imply the future tense.
- The singular includes the plural.
- The male gender includes the female gender.
- The word “person” includes an individual, partnership, corporation or any other entity.
- The term “shall” or “must” is always mandatory.

Accessory Building

A Structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "Building." A portion of a principal building used for an Accessory Use shall not be considered an accessory building.

Accessory Use

A use located on the same lot with a principal use, incidental and subordinate to the principal use.

Adult Commercial

Facilities offering entertainment of a sexual nature such as adult bookstores, adult cabarets, adult theaters, adult massage parlors and other activities from which minors are excluded.

Alterations

Any change or rearrangement in the construction or use, or an enlargement of a Building, whether horizontally or vertically, or the moving from one location or position to another.

Agriculture

Any agriculture use, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry production and care, and forestry (including the harvesting of lumber).

Agriculture, Intensive

All Concentrated Animal Operations (CAOs) as defined by State regulatory agencies, and all Concentrated Animal Feeding Operations (CAFOs) as defined by Federal regulatory agencies.

Agriculture Retail

An accessory use to farming involving the sale of agricultural products produced on the premises. Typical products include milk and milk products, vegetables, fruit, eggs, meat and baked goods. Fifty (50%) percent or less of the products sold may be produced at places other than the premises.

Aquifer

A geologic formation that contains a usable supply of water.

Aquifer Recharge Area

The outcropping part of the aquifer through which water enters the aquifer.

Automobile Related Terms

- A. Body or Repair Shop: A Building or portion of a Building, on a lot that is used for the mechanical repair of vehicles and/or the repair and painting of vehicle bodies, chassis, wheels, fenders, bumpers and/or accessories.
- B. Car Wash: A Building on a lot designed for the washing and polishing of vehicles.
- C. Gas Station: A Building on a lot, or part of a Building, that is used primarily for the retail sale of gasoline, oil, other fuel and which may include facilities used for routine servicing of vehicles.
- D. Vehicle Sales: A Building or a lot designed and used primarily for the sale of new and used vehicles, where mechanical repairs may be conducted as incidental to the primary use.

Basement

A story of a Structure that has its floor at least three (3) feet below average ground level surrounding the Structure and which is not used for business dwelling purposes. A Basement shall not be considered in determining the required number of stories.

Bed and Breakfast

A Single-Family Detached Dwelling where 1 to 6 rooms are rented to overnight guests on a daily basis. Meals may be offered to registered guests only.

Board of Supervisors, Township Supervisors, or Governing Body

The Board of Supervisors of Warriors Mark Township, Huntingdon County, Pennsylvania.

Buffer Yard

An area at the side property line(s), consisting of existing natural vegetation or created by the planting of trees and/or shrubs for the purpose of separating one land use from another. Unlike screening, a buffer yard provides intermittent visual obstruction and may have an informal, natural appearance. Buffer Yards shall not be used for parking or accessory uses. (See Screening definition for a different but related concept.)

Buildings and Related Terms

- A. Building: Any structure on a lot having a roof supported by columns or walls and intended for the shelter, housing enclosure and storage of persons, animals or property.
- B. Building Area: The total area on a horizontal plane at the main grade level of the principal building.
- C. Building Coverage: That portion of a Lot covered by any and all Buildings including Accessory Buildings.

- D. **Building Envelope**: An area of a Lot enclosed by the front, rear, and side yard Setback Lines.
- E. **Building, Detached**: A Building surrounded by open space on the same Lot and unconnected to any other Building.
- F. **Building Height**: The height of a Building measured from the mean level of the ground surrounding the Building to a point midway between the highest and the lowest points of the roof; provided that chimneys, spires, towers, elevator penthouses, tanks and similar projections shall not be included in calculating the height.

Business Service: Any business activity that renders service to other commercial or industrial enterprises.

Campground

A parcel of land upon which two or more campsites are located, intended and maintained for transient uses in recreational vehicles or tents.

Communication Tower

A tall Structure that contains an antenna for cellular phones or other communications.

Commercial

A business owned, operated and supported by private individuals or a corporation, on a for-profit basis for the use or benefit of the public.

Commission, Planning

The Planning Commission of Warriors Mark Township, Huntingdon County, Pennsylvania.

Common Open Space

A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a Development, not including streets, parking, and public facilities. Common open space shall be substantially free of Structures, but may contain recreational improvements.

Comprehensive Plan

The Warriors Mark Township Comprehensive Plan, consisting of maps, charts and textual matter; officially adopted by the Board of Supervisors.

Concentrated Animal Operation (CAO)

Agricultural operations regulated by the Commonwealth of Pennsylvania, where the animal density exceeds two (2) animal equivalent units (AEU) per acre on an annual basis. An AEU is one thousand (1,000) pounds of live weight of any animal.

Concentrated Animal Feeding Operation (CAFO)

Agricultural operations regulated by the United States Environmental Protection Agency, which regulates animal density, agricultural runoff and manure.

Conditional Use

A use permitted in a particular zoning district following a public hearing and approval by the Board of Supervisors.

Conversion Apartment

A multi-unit Dwelling constructed by converting an existing Building into apartments for more than one (1) family without substantially altering the exterior of the Building.

County

Huntingdon County, Pennsylvania.

Daycare Center

A private facility enrolling children or adults where tuition, fees, or other compensation is charged and which is licensed and approved, if and as required by applicable law to operate as a day care center.

Deck

A platform with railings but without a roof projection out from the main wall of a dwelling and intended to be used as an area for seating, dining or recreation outdoors.

Decision

A final adjudication or determination of respectively, the Zoning Hearing Board or Board of Supervisors

Density and Related Terms

- A. Density: A measure of the intensity of the use of a land parcel. It shall be expressed in housing units per acre, which is calculated by dividing the number of housing units by the net buildable site area. Also defined as the number of dwelling units per developable area.
- B. Low: Areas in which the Density is one (1) Dwelling Unit or less per two acres.
- C. Medium: Areas in which the Density is on or between one and two acres per Dwelling Unit.
- D. High: Areas in which the Density is one (1) or more Dwelling Units on less than one acre.

Determination

A final action by an officer, body or agency charged with the administration of this Ordinance or application hereunder, except (1) the Board of Supervisors or (2) the Township Planning Commission.

Developer

Any Landowner, agent of a Landowner, or tenant with the permission of such Landowner who makes or causes to be made a Subdivision of land or Land Development.

Development and Related Terms

- A. Development: The entire area encompassed by a Land Development or Subdivision.
- B. Cluster Development: A group of single-family Dwellings located in a designed Subdivision having relatively smaller Lot sizes than allowed in conventional development and common open space.
- C. Planned Residential Development: An area of land, controlled by a Landowner, to be developed as a single entity for a number of Dwelling Units, for which the development plan does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential zone. This may include Traditional Neighborhood Development.

District, Zone or Zoning District

A portion of Warriors Mark Township, as shown on the Zoning Map, containing a class of uses or structures and to which regulations described in the Zoning Ordinance text apply.

Dwelling and Related Terms

- A. Dwelling: Any Building or portion thereof designed for or used for residential purposes.
- B. Dwelling Unit: One (1) or more rooms arranged for the use of one (1) Family or Household, with cooking, living, sanitary and sleeping facilities.
- C. Duplex: A freestanding Building containing two (2) Dwelling Units for two (2) families, arranged either side-by-side or over-under.
- D. Mobile home: See Mobile home.
- E. Multi-family: A Building used or designed as a residence for three (3) or more independent units.
- F. Single Family Detached: A freestanding Building having only one (1) Dwelling Unit, including a Mobile Home, meeting the minimum habitable floor area requirement.
- G. Townhouse: A Multi-family dwelling. Each Dwelling Unit (except the end units) contains walls on two sides in common with the walls of adjoining Dwelling Units, constructed as party or lot line walls.

Efficiency Apartment

An apartment Dwelling Unit that features a combination of certain uses in order to lessen total living area required. An “efficiency unit” shall have no more than three (3) rooms.

Excavation

Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location along the natural surfaces of the ground or on top of the stripped surface.

Family or Household

(a) One (1) person occupying a Dwelling Unit and maintaining a household, including not more than four (4) unrelated boarders or roomers; (b) two (2) or more persons related by blood or marriage, occupying a Dwelling Unit, living together and maintaining a household, including not more than four (4) unrelated boarders or roomers; or (c) not more than four (4) unrelated persons occupying a Dwelling Unit who are living together and maintaining a common household.

Family Day Care Home

A family residence where care is provided by an occupant of the home.

Farm Occupation

An accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the farm.

Flood and Related Terms

- A. Flood: A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.
- B. Floodplain: Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA Flood Insurance Rate Map (FIRM) as being a special flood hazard area.
- C. Floodplain Development: Any man-made change to improved or unimproved real estate in the Flood Plain, including, but not limited to, Buildings or other Structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- D. Flood Proofing: Any combination of structural and non-structural additions, changes or adjustments to Structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- E. Floodway: The channel of the watercourse and those portions of the adjoining Floodplains that are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA.

Floor Area

As applied to a Building or Building part, the sum of the horizontal areas and its Accessory Buildings on the same lot, excluding basement floor areas not devoted to residential use. For determining parking and loading requirements, "Floor Area" shall mean the floor area intended to be used by tenants or for service to the public not including areas used for non-public purposes such as storage.

Floor Area, Habitable

The sum of the horizontal areas of all rooms used for habitation such as living room, dining room, kitchen or bedroom.

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, and which does not involve any Land Development.

Grade, Finished

The completed surfaces of lawns, walks and roads brought to grades, as shown on official plans.

Group Home

A residential facility for mentally retarded or mentally ill individuals not related by blood, marriage, adoption or guardianship, living together in a Dwelling Unit as a single housekeeping unit and licensed by the State.

Home Occupation

A business, trade or profession carried on within a Dwelling Unit and conducted by a member of the family residing in the Dwelling and clearly incidental and secondary to the residential use of the Dwelling, the character of which is unchanged by the home occupation.

HUD Code

Manufactured Home Construction and Safety Standards enacted by the U.S. Department of Housing and Urban Development in 1976. A uniform construction code that classifies Mobile Homes as manufactured homes. The HUD Code preempts State and local building regulations.

Impervious Surface

A surface that has been covered with material or compacted so that it is resistant to infiltration by water, including paved streets, compacted stone and sidewalks, graveled areas for vehicles and paved blocks.

Industrial Park

A tract of land laid out in accordance with an overall plan for a group of industries with separate building sites designed and arranged on streets with utility services, setbacks, side yards, landscaped yards and covenants controlling the architecture and uses.

Industrial Use

Manufacturing, assembly or fabrication of any product.

Junk

Junk shall include all scrap metals and alloys and bones, rags, cloth, rubber, rope, aluminum foil, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe or pipe fittings, vehicles, tires and all other manufactured goods that are worn, deteriorated or obsolete which makes them unusable in their existing condition and therefore subject to being dismantled. This definition is to be construed as including two (2) or more abandoned or unlicensed vehicles.

Junk Yard

Any Lot, land or Structure or part thereof, used commercially for the collection, storage, or sale of Junk or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

Kennel

Any establishment where six (6) or more dogs are housed or where at least 26 dogs are kept or transferred in a calendar year, or a kennel as defined in the Pennsylvania Dog Law.

Private Kennel - A Kennel not meeting the definition of "Commercial Kennel" where dogs are kept or bred by their owner, for the purpose of hunting, tracking and exhibiting in dog shows, performance events or field and obedience trials.

Boarding Kennel - Any establishment available to the general public where a dog or dogs are housed for compensation by the day, week or a specified or unspecified time. This term does not include any establishment engaged in only dog grooming or dog training. The term shall include any boarding facility physically detached from the veterinary practice which is operated by a licensed doctor of veterinary medicine, whether or not this facility is on the same premises as a Building or structure subject to the provisions of the "Veterinary Medicine Practice Act."

Land Development

Any of the following activities:

- A. The improvement of one or two or more contiguous Lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or non-residential Buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. 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.
- B. A subdivision of land.
- C. Development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.

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.

Loading Space and Loading Area

A space, accessible from a Street or way, in a Building or on a Lot, for the temporary use of a vehicle, while loading or unloading people, merchandise or materials.

Lot and Related Terms

- A. Lot: A designated parcel, tract or area of land established by a Plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
- B. Lot Area: The total area within the Lot Lines, excluding any area within a Street or private road right-of-way, but including the area of any easement.
- C. Lot, Corner: A lot at the junction of and abutting on two (2) or more intersecting Streets or at the point of abrupt change of a single street, where the interior angle is less than one hundred thirty-five (135) degrees and the radius of the street line is less than one hundred (100) feet.
- D. Lot, Coverage: The percentage of the Lot Area covered by the area of all Buildings and structures as viewed from the site plan and/or roof line, and shall include all appurtenances, such as decks, balconies, stairs, stoops, etc.
- E. Lot, Depth: The mean horizontal distance between the front and rear Lot Line. Measurements shall be from the Street or highway right-of-way line to the opposite rear line.
- F. Lot, Flag: A Lot with irregular shape where access to a public street is by a narrow private street or right-of-way or easement. Flag Lots are permitted only in accordance with Section 503 of the Subdivision and Land Development Ordinance.
- G. Lot, Frontage: That side of a Lot abutting on a street and ordinarily regarded as the front of the Lot, but it shall not be considered as the ordinary side of a Corner Lot.
- H. Lot, Interior: A Lot other than a Corner Lot or Through Lot.
- I. Lot Line: A property boundary line of any Lot held in single and separate ownership.
- J. Lot of Record: Any Lot which individually, or as a part of a Subdivision, has been recorded in the Office of Register and Recorder of Huntingdon County, Pennsylvania.
- K. Lot, Through: An Interior Lot having frontage on two (2) parallel or approximately parallel Streets or roads.
- L. Lot, Width: The distance between straight lines connecting front and rear Lot Lines at each side of the Lot, measured across the rear of the required Front Yard, provided the width between side Lot Lines at their foremost points (where they intersect with the Street line) shall not be less than eighty percent (80%) of the required Lot width except in the case of Lots on the turning circle of cul-de-sacs, where the eighty percent (80%) requirement shall not apply.

Low Impact Development

Layout of development that allows portions of the site to remain undisturbed, particularly with mature trees and woodland preserved. This development is encouraged, particularly in achieving sound stormwater management.

Manufactured Home

A factory-built residential dwelling unit certified as built in compliance with the HUD Code. It is transportable in one or more sections, built on a permanent chassis and designed to be used as a year-round dwelling with a permanent foundation and connected to the required utilities.

Mineral Extraction

The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral Extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be Mineral Extraction.

Mobile-Home

A single-family, transportable, factory-built home intended for permanent occupancy and built prior to enactment of the HUD Code of June 15, 1976. (See HUD Code)

Mobile-Home Lot

A parcel of land in a Mobile Home Park, improved with the necessary utility connections and other appurtenances necessary for placement 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 or more Mobile-Home Lots for the placement thereon of Mobile-Homes.

Municipalities Planning Code (MPC)

The Pennsylvania Municipalities Planning Code, Act 247 as amended.

Non-conforming Lot

A Lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reason of such adoption or amendment.

Non-conforming Structure

A Structure or part of a Structure manifestly not designed to comply with the applicable use provisions in this Zoning Ordinance or amendments heretofore or hereafter enacted, where such Structure lawfully existed prior to the enactment of this Ordinance or amendments or prior to the application of this Ordinance or amendments to its location by reason of annexation. Such Non-conforming structure includes non-conforming signs.

Non-conforming Use

A use, whether of land or of a Structure, which does not comply with the applicable use provisions of this Ordinance or amendments enacted hereto, where such use was lawfully in

existence prior to enactment of this Ordinance or amendments or prior to the application of this Ordinance or amendments to its location by reason of annexation.

Nuisance

Any use considered being inconsistent with the public comfort, convenience, health, safety and the general welfare.

Oil and Gas Development

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 oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

Open Space

Land that is unoccupied by any Building or Structure that is used primarily for resource protection, agriculture or recreation.

Overlay District

Extra provisions placed upon environmentally sensitive lands or the easing of restrictions placed on land suitable for more intensive development. The Overlay District is an added feature to the normal zoning districts.

Parking Space

The space on a Lot or parking lot, designed for the parking of one (1) vehicle.

Passive Recreation

Outdoor activities of a quiet nature such as sitting, bird watching and picnicking.

Personal Service

An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, travel agency, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

Plat

The map or plan of a Subdivision or Land Development, whether preliminary or final, indicating parcel boundaries.

Prime Agricultural Land

Land used for agricultural purposes that contains soils of Class I, II or III, as defined by the U.S. Department of Agricultural in the County Soil Survey.

Private Road

Any street within the Township which is not a Township, County, State or United States owned street.

Professional Offices

Offices and related spaces used for such professional services as provided by doctors, dentists, lawyers, architects, engineers and realtors.

Public

Owned, operated, or controlled by a government agency (Federal, State or Local) including a corporation created by law for the performance of governmental functions.

Public Hearing

A formal meeting and administrative proceeding conducted pursuant to Public Notice intended to inform and obtain public comment prior to taking action.

Public Notice

Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered. The first publication shall be not more than thirty (30) days nor less than seven (7) days before the date of the hearing.

Public Utilities

Essential services supplied by corporations, municipal departments or authorities under regulation of State, Federal or local government; such services may include gas, electricity, steam, fuel, water and sewage transmission, distribution or collection systems whether underground, on the surface, or overhead.

Report

Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purposes of assisting the recipient of such report in the rendering of any decision or determination.

Retail

A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store, or any restaurant.

Riparian Buffer

An area of trees and/or other vegetation located adjacent to surface water, intended to protect water quality by intercepting runoff or wastewater and removing sediment or other pollution prior to entering the surface water.

Screening

The method by which a view of one site is hidden from an adjacent side or from a public road. Screening involves an opaque material such as fencing, walls, or evergreen hedge. (See the definition for Buffer Yard for a related, but different concept).

Semi-Public

Something owned, operated and supported by private individuals or a corporation, on a non-profit basis for the use or benefit of the general public or for some part of the general public, such as the Fire Company or Grange.

Setback Line

A line separating a “yard” from the area within which a building or use is allowed.

Sign

Any surface, fabric, device or structure (including billboards or poster panels) bearing lettered, pictorial or sculptured matter designed for visual communication and used for the purpose of bringing the subject thereof to the attention of the public.

Special Exception

A use permitted in a particular Zoning District as granted by the Zoning Hearing Board.

Stacking

The line of vehicles with drivers waiting for service at such locations as gas stations or truck stops.

Story

The portion of a Building included between the surface of any floor and the floor above it. If there is no floor above it, the Story then is considered as the space between the floor and the ceiling above it. A partial Story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story shall be called a half-story. A Basement shall be counted as a Story if its floor is less than three (3) feet below the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

Street

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Street Grade

The established grade of the Street upon which a Lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midway of the frontage of the lot thereon.

Structural Alteration

Any change in the structure of a Building, such as walls, columns, beams and girders.

Structure

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

Subdivision

The division or re-division of a lot, tract, or parcel of land by any means into two or more Lots, tracts, parcels, or other divisions of land including change in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; PROVIDED, however, that the division 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 a residential dwelling, shall be exempted.

Substantial Improvement

Any repair, reconstruction, or improvement of a Structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the Structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored before the damage occurred.

Supervisors

The Board of Supervisors of Warriors Mark Township, Huntingdon County, Pennsylvania.

Swimming Pool, Private

Any pool, permanently attached to or temporarily erected upon the ground, not located within a completely enclosed Building and containing water to a depth at any point greater than one and one-half (1 1/2) feet.

Temporary Use

A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Trailer - See Mobile-Home**Traditional Neighborhood Development (TND)**

A new development resembling pre-World War II communities featuring compact clustering of Buildings with a mix of housing, small-scale commercial uses and recreation - all within walking distance.

Transferable Development Rights

The attaching of development rights to specific lands that are desired by a municipality to be kept underdeveloped, 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.

Truck Stop

A complex of buildings and structures that provides services to the trucking industry, including fuel sales, truck accessory equipment sales, overnight accommodations, chapels, arcades and restaurant primarily for truckers.

Truck Terminal

Land and Buildings used by tractor trailers and/or other trucks for assembling, storing or relaying freight. Truck Terminal may include facilities for repair and short-term storage.

Variance

Relief granted by the Zoning Hearing Board, constituting a modification of, or deviation from the exact requirements of this Ordinance.

Watershed

All land that drains to one and the same watercourse.

Wellhead

The upper portion of a well, (such as the Township Municipal Authority well) of a public water supply.

Wellhead Protection Area

The area of land surface within a calculated and/or delineated radius of a public water well. Upon hydro-geologic study of the underground Aquifer, this area shall include the Aquifer Recharge Area or area where the groundwater is replenished.

Woodland

An area of natural or planted trees covering one (1) acre or more, or any grove of trees consisting of at least six (6) trees having a ten (10) inch or greater caliper.

Yard and Related Terms

- A. Yard: The space between the lot line and building line.
- B. Front Yard: A yard extending the full width of the front of a Lot between the front Lot Line and the front Building line.
- C. Rear Yard: A yard extending the full width of the Lot in the area between the rear Lot Line and the rear Building line.
- D. Side Yard: A yard extending the full length of the Lot in the area between a side Lot Line and a side Building line.

Zoning Hearing Board

The body consisting of three or five residents of the Township, appointed by the Board of Supervisors, and granted jurisdiction hereunder to conduct themselves and perform those duties specified under Article IX of the Pennsylvania Municipalities Planning Code.

Zoning Ordinance and Map

Companion documents that divide all land within the Township into Districts and establish regulations for each District.

Zoning Permit

The written authorization issued by the Township for the use of land or Structure(s).

**ARTICLE III
DISTRICT REGULATIONS**

SECTION 301 DISTRICTS AND BOUNDARIES

A. Warriors Mark Township is divided among the following Zoning Districts:

- VILLAGE (V)**
- RESIDENTIAL (R)**
- RURAL RESIDENTIAL (RR)**
- AGRICULTURE AND RESOURCE PROTECTION (A)**
- COMMERCIAL (C)**
- INDUSTRIAL/COMMERCIAL (IC)**

B. Zone boundaries shall be shown upon the map entitled “Zoning Map of Warriors Mark Township,” which is a part of, and attached to, this Ordinance.

C. Where uncertainty exists as to district boundaries, the following rules apply:

1. Boundaries that approximately follow municipality limits shall be construed as following municipality limits.
2. Boundaries that approximately follow platted lot lines shall be construed as following such lot lines.
3. Boundaries that approximately follow the center lines of streets, highways or alleys shall be construed to follow such center lines.
4. Boundaries that approximately follow the center lines of streams, rivers or other bodies of water shall be construed to follow such center lines.
5. Boundaries that follow railroad lines shall be construed to be midway between the main tracks.
6. Boundaries which do not follow roads, property lines or physical features may run a specified distance parallel to said features.
7. If uncertainty exists as to the boundary of any District shown on the Official Zoning Map, the Zoning Hearing Board shall determine the location of such boundary.

SECTION 302 USE REGULATIONS

A. Uses Permitted

The uses permitted in the Zones established by this Ordinance, and the permitted extent of these uses, are as shown below. The uses listed as permitted in each Zone are the only uses permitted in that Zone. Unless otherwise noted, the use and bulk regulations are the requirements for each use.

B. Uses Not Provided For

Any use not specifically allowed elsewhere in this Ordinance shall be allowed by Special Exception in the Zone or Zones where similar uses are permitted or allowed by Special Exception, provided that it meets the requirements for a Special Exception and such requirements as may be determined by the Zoning Hearing Board and does not constitute a public nuisance.

SECTION 303 VILLAGE DISTRICT (V)

PURPOSE

The Village District provides a unique area for compact residential use along with commercial and public activities. The Village District is located within already-populated areas and is served by public water. The intent of the Village District is to preserve the existing Warriors Mark Village setting and character. Compact residential and commercial development is encouraged, each connected for pedestrian movement. The regulations for the Village District are designed to protect and maintain present village scale and characteristics and allow high quality future development that is compatible with traditional village living.

A. Permitted Uses

1. Single-family dwellings
2. Duplexes
3. Multifamily, if served by water and sewer, subject to Section 714
4. Home Occupation, subject to Section 710
5. Forestry
6. Group homes, subject to Section 709
7. Government buildings
8. Accessory Use
9. Temporary Use

B. Special Exception Uses

1. Bed and Breakfast, subject to Section 705
2. Churches
3. Conversion Apartments, subject to Section 707
4. Daycare, subject to Section 708
5. Funeral homes
6. Personal services and studios occupying less than 3,000 square feet
7. Professional Offices occupying less than 3,000 square feet
8. Restaurants, if served by community water and occupying less than 3,000 square feet
9. Retail sales occupying less than 3,000 square feet
10. Mineral Extraction, subject to Section 715
11. Oil and Gas Facilities, subject to Section 717

C. Bulk Requirements

Utilized Public Utilities	Minimum Lot Area (See Section "D" below)	Minimum Lot Width	Maximum Building Coverage/ Impervious Coverage	Minimum Yard Setbacks			Maximum Permitted Height
				Front*	Side	Rear	
With Community Water	1 acre	100 feet	50%	5 feet	5 feet	5 feet	35 feet
Both Community Water and Sewer	1/2 acre	75 feet	70%	5 feet	5 feet	5 feet	35 feet

*Twenty-five (25) feet from the road centerline shall be the minimum distance regardless of the actual property line location. The average setback of the adjacent buildings may also be used provided that it exceeds 25 feet from the center line of the road.

D. Sewage Replacement Site for lots without community sewer:

1. A sewage replacement area shall be provided for all new lots regardless of lot size.

E. Required Utilities

If public water or public/community sewer is within one hundred fifty (150) feet of the parcel, the principle use on each Lot will be required to connect to such service.

F. Pedestrian Circulation

Sidewalks shall be provided for all new village development.

G. Parking

The parking shall be provided in accordance with Article IX of this Ordinance, and the following requirements:

1. Parking located at the side or front of commercial Buildings shall be screened from the sidewalk by low walls, fences or hedges.
2. Parking lots adjacent to each other shall have vehicular connections via an alley or internally.
3. Required parking spaces may be reduced if the developer can document that half of sales volume will originate from pedestrian rather than vehicle traffic.

SECTION 304 RESIDENTIAL DISTRICT (R)

PURPOSE

This Zone is meant to accommodate the majority of future residential growth within the Township. This Zone coincides with water service and potential sewer service. The actual availability of these services is likely to occur at different times, in different areas of the Zone. As a result, permitted densities are linked to the availability of these public utilities.

A. Permitted Uses

1. Single-family dwellings
2. Duplex dwellings
3. Home Occupation, subject to Section 710
4. Agriculture and Forestry
5. Government buildings
6. Group homes, subject to Section 709
7. Forestry
8. Oil and Gas Development, subject to Section 717
9. Public parks, playgrounds and municipal buildings
10. Public and Private schools
11. Public uses and public utilities
12. Accessory Use
13. Temporary Use

B. Special Exception Uses

1. Daycare facilities, subject to Sections 708
2. Churches and cemeteries
3. Mineral Extraction, subject to Section 715

C. Bulk Requirements

Utilized Public Utilities	Minimum Lot Area (See Section "D" below)	Minimum Lot Width	Maximum Building Coverage/ Impervious Coverage	Minimum Yard Setbacks			Maximum Permitted Height
				Front	Sides	Rear *	
Individual Water and Sewer	43,560 sq. ft. or one acre	100 feet	25%	40 feet	15 feet	15 feet	35 feet
Public Water and/or Sewer	43,560 sq. ft. or 1 acre	100 feet	25%	40 feet	15 feet	15 feet	35 feet

*Side and rear setback for legal accessory uses shall be reduced to 10 feet.

D. Sewage Replacement Site for lots without community sewer:

1. A sewage replacement area shall be provided for all new Lots regardless of lot size.

SECTION 305 RURAL RESIDENTIAL DISTRICT (RR)

PURPOSE

The primary purpose of this Zone is to promote a continuation of the rural character of the area, characterized by a mixture of open space and sparsely developed residential uses. This Zone will continue these development trends, but will install additional protection for rural residences from the impacts of other uses. These areas are not likely to be served by public sewer or water facilities. Because of the character of these areas, some steep slopes are included. For this reason, specific lot design requirements have been imposed on steeply sloped development sites.

A. Permitted Uses

1. Agriculture and Forestry
2. Single-Family Detached Dwellings
3. Group Homes, subject to Section 709
4. Home Occupation, subject to Section 710
5. Bed and Breakfast, subject to Section 705
6. Government buildings
7. Public uses and public utilities
8. Churches and cemeteries
9. Public parks and playgrounds
10. Private club houses
11. Mineral Extraction, subject to 715
12. Oil and Gas Development, subject to Section 717
13. Accessory Use
14. Temporary Use

B. Special Exception Uses

1. Campgrounds, subject to 718
2. Kennel, subject to 720
3. Daycare facilities, subject to Sections 708

Maximum Number of Permitted Dwellings or Lots

For each tract of contiguous land in single ownership (parent tract) there may be one (1) Lot subdivided or one principal residence constructed for a single-family detached non-farm dwelling, according to the following schedule:

Parcel Size (in acres)		Number of lots or single dwellings permitted (in addition to an original house on parent tract)
At Least	Less Than	
5	10	2
10	15	3
15	20	4
20	25	5
25	30	6

30	35	7
35	40	8
40	45	9
45	50	10
50	55	11
55	60	12
60	65	13
65	70	14
70	75	15
75	80	16
80	85	17
85	90	18
90	95	19
95	100*	20

*For parent tracts in excess of 100 acres, one additional Dwelling or Lot per five acres shall be permitted.

Upon subdivision of allowable lots, the resulting parent tract shall not be further subdivided
Maximum lot size shall be five acres.

C. Bulk Requirements

The following table prescribes Lot size, coverage and minimum yard requirements for uses within this Zone. In addition, because the purpose of this Zone is to retain the rural character, a maximum Lot size is also applicable. Proposed Lots not meeting the permitted Lot size requirement shall be considered only under procedures for a Special Exception. However, a Special Exception shall not be required for an agricultural Lot of any size provided that the Lot is deed restricted for agricultural use.

Use	Minimum Lot Size	Maximum Lot Size	Maximum Building Coverage	Minimum Yard Setbacks			Maximum Height
				Front	Side	Rear	
All Permitted Uses *	1 acre	5 acre	33%	40 feet	15 feet	15 feet	35 feet

*Lot areas with slopes of 25% or more shall not be developed.

D. Sewage Replacement Site for lots without community Sewer:

1. A sewage replacement area shall be provided for all new Lots regardless of Lot size.
2. Agricultural use only Lots in excess of 10 acres shall be exempt from the sewage testing requirements.

SECTION 306 AGRICULTURE AND RESOURCE PROTECTION DISTRICT (A)

PURPOSE

The primary purpose of this Zone is to enhance the viability of Agriculture, thereby enabling the continuation of farming as a primary land use in the Township. Much of the land in this Zone presently supports agricultural activities. Non-farmer landowners in this Zone often lease their land to support other farming operations. Prime agricultural soils represent a resource that should be protected. Consequently, residential uses are limited. Where development is permitted, open space in the Zone should be retained in larger contiguous parcels for the convenience of the farmer. Residential Lots themselves should be small in size and consolidated to enhance farming efficiency.

A second purpose of this Zone is to preserve the adjacent rural open space that exists as woodlots, wildlife habitat and sloped areas. Forestry products and logging are important industries in the area. Not used for traditional agriculture, woodland habitat nevertheless can shield productive farming operations from development. Like many farms, these areas are often enrolled in the Clean and Green Program, signaling intent to keep the land in an undeveloped state. Where such special non-farming land exists, the Environmental Overlay provisions of Article IV shall apply.

A. Permitted Uses

1. Agriculture, subject to Section 712
2. Agriculture retail
3. Farm Occupations
4. Churches and cemeteries
5. Game preserve, wildlife sanctuary
6. Forestry
7. Mineral Extraction, subject to Section 715
8. Hunting clubs
9. Home Occupation, subject to Section 710
10. Single-Family Detached Dwelling, subject to Item D below
11. Government buildings
12. Public uses and public utilities
13. Public parks and playgrounds
14. Oil and Gas Development, subject to Section 717
15. Accessory Use
16. Temporary Use

B. Special Exception Use

1. Bed and Breakfast, subject to Section 705
2. Kennel, subject to Section 720
3. Industrial Uses, subject to Section 711

C. Conditional Use

1. Communication towers, subject to Section 706, and permitted only above 1550 feet in elevation.

D. Requirements for Residential Development in Agriculture/Resource Protection District

1. Parent Tract and Date of Ownership

All plans for Subdivision or Land Development in the Agriculture Zone shall show the boundaries of the parent tract as they existed as of the adoption date of this Ordinance.

2. Least Productive Land

Residential development shall be located so as to utilize the least agriculturally productive land and to minimize interference with adjacent agricultural production. Land may be considered for residential or other non-agricultural use only if:

- a) The land cannot feasibly be farmed due to existing features of the site such as rock outcroppings, surface rock that inhibits plowing, heavily wooded areas or slopes in excess of fifteen percent (15%); or
- b) The land is not “prime agricultural land” as defined by the U.S.D.A. (See Article II)
- c) Proposed Lots are contiguous to each other. Non-contiguous lots may be considered for approval only under procedures for Conditional Use.

3. The maximum number of permitted Dwellings or Lots shall be determined as follows:

Parcel Size:	Number of lots or single dwellings permitted (in addition to an original house on parent tract)
Less than 20 acres	1
20 - 39 acres	2
40 - 59 acres	3
60 - 79 acres	4
80 - 99 acres	5
100+ acres	5 plus 1 additional lot or unit for each additional twenty (20) acres.

*The permitted number of Lots above applies to lands existing in single ownership as of the adoption date of this Ordinance.

4. Residential Lot Size

- a) Minimum Lot Size: 1.5 acre
- b) Unless otherwise permitted, proposed Lots not meeting the permitted Lot size shall be considered only under procedures for a Conditional Use. However, a Conditional Use shall not be required for an agricultural Lot of any size provided that the Lot is deed restricted for agricultural use or open space.
- c) Residential Lots with agricultural use (farm properties) shall be a minimum of 10 acres in size.

5. Restriction of Parent Tract Re-subdivision

- a) Upon subdivision of allowable Lots, the resulting parent tract shall not be further subdivided.
- b) The deed for the parent tract containing the residual open space shall include a restrictive covenant that shall be approved by the Township Solicitor restricting the land to permanent open space or agricultural and setting forth the perpetual maintenance of same.

E. Bulk Requirements

Use	Minimum Lot Size	Maximum Lot Size	Maximum Building Coverage	Minimum Yard Setbacks			Maximum Height
				Front	Side	Rear	
Residential Lots	1.5 acres	2.5 acres	10%	40 feet	25 feet	25 feet	35 feet, except that farm buildings shall have no height limit
Agricultural Lots	10 acres	No limit	25%	40 feet	30 feet	30 feet	

F. Non-conforming Lots of Record

- 1. Any Non-conforming Lot in the Agricultural Zone may become conforming by its addition to adjacent land used for agricultural purposes.

G. Agriculture Retail and Farm Occupations

- 1. Farm-related commerce may involve any one of a wide range of uses, so long as it remains compatible with the active farm use.

H. Agricultural Nuisance Disclaimer

Owners, residents and other occupants in the Agricultural Zone may be subjected to inconvenience and discomfort arising from agricultural operations. These may include noise, odors, dust, the operation of machinery, and the storage and disposal of manure. Residents should be prepared to accept such inconveniences and discomfort and are hereby put on official notice that the “The Right to Farm Law” may bar them from obtaining a legal judgment against agricultural operations.

SECTION 307 COMMERCIAL DISTRICT (C)

PURPOSE

The purpose of this Zone is to provide standards for commercial uses and to provide a location for retail, office and service businesses which have minimal impact on the community.

A. Permitted Uses

1. Retail
2. Business Services
3. Personal Services
4. Convenience Stores
5. Offices
6. Financial Institution
7. Hotel or Motel
8. Commercial Recreation
9. Self Storage Facility
10. Dog and Pet Grooming
11. Auto-related businesses, subject to Section 704
12. Hospital or Medical Center (including doctors' offices)
13. Public Buildings and facilities
14. Agricultural Use, subject to Section 712
15. Oil and Gas Development, subject to Section 717
16. Forestry
17. Church or Place of Worship
18. Government Facilities
19. Accessory Use
20. Temporary Use

B. Special Exception Uses

1. Multi-family dwellings, subject to Section 714
2. Schools
3. Daycare facilities, subject to Sections 708
4. Car Wash, subject to Section 704
5. Manufactured Home Park, subject to Section 713
6. Mineral Extraction, subject to Section 715

C. Setback and Landscape Buffer

1. Each commercial Lot shall have a Building and operations setback of thirty (30) feet from all property lines adjacent to residential use.
2. Within the required setback area, a minimum twenty (20) foot wide buffer yard shall be established along property lines that abut residential property. This buffer shall be landscaped with evergreen and shade trees throughout.

D. Bulk Requirements

Use	Minimum Lot Size	Maximum Lot Size	Maximum Building Coverage	Minimum Yard Setbacks			Maximum Height
				Front	Side	Rear	
All Uses	1 acre	none	50%	30 feet	30 feet	30 feet	35 feet

SECTION 308 INDUSTRIAL/COMMERCIAL DISTRICT (IC)

PURPOSE

This Zone is intended to accommodate both industrial and commercial uses. Larger auto related commercial uses that are incompatible with the more compact village scale may be located here, for example. This location has appropriate industrial/commercial infrastructure such as nearby community water and sewer as well as good access to the regional highway network. Ample setback and landscape buffering regulations are provided in order to protect adjacent residential and agricultural uses from land use conflict.

A. Permitted Uses

1. Agriculture support business
2. Agricultural retail
3. Forestry
4. Public buildings and facilities
5. Warehousing and storage service
6. Caretaker or watchman dwelling
7. Oil and Gas Development, subject to Section 717
8. Mineral Extraction, subject to Section 715
9. Kennel, subject to Section 720
10. Government buildings
11. Public uses and public utilities
12. Agriculture
13. Single Family Residential
14. Industrial Uses
15. Commercial Use
16. Accessory Use
17. Temporary Use

B. Special Exception Uses

1. Manufacturing, processing and welding, subject to Section 711
2. Adult Commercial, subject to Section 721

C. Conditional Use

1. Communication towers, subject to Section 706

D. Setback and Landscape Buffer

1. Each commercial use shall have a minimum building setback of fifty (50) feet and each industrial use shall have a minimum building setback of fifty (50) feet from any property line.
2. Within the required setback area, a minimum twenty (20) foot buffer yard in accordance with Section 703 shall be established along the side and rear property lines. This buffer shall be planted with a dense screen of evergreen trees and shrubs.

3. Where the proposed industrial or commercial use abuts residential use, a separation shall be a minimum of one fifty (50) feet from any residential property.

E. Building Height

The height limit for any structure shall not exceed sixty-five (65) feet. The height limit for any structure, or part of a structure intended for office, factory floor, or other regulated human occupation shall not exceed forty (40) feet.

F. Impervious Surface Coverage

Not more than seventy (70) percent of the lot area (including roofs) may be covered by impervious surface. See the Township Stormwater Management Ordinance.

G. Waste Products

Storage of industrial waste materials shall not be permitted, except within an enclosed building.

H. Industrial Standards

1. All industrial operations shall be in compliance with applicable State and/or Federal regulations as required by the most recent regulations made available from those governmental bodies.

ARTICLE IV ENVIRONMENTAL OVERLAY DISTRICTS

In all Zoning Districts, particular conditions may and do occur that represent fragile environmental features in need of protection. For some such natural areas, if Development were uncontrolled, there could be a significant hazard to the public health and safety. Such conditions which deserve special protection include:

- Stream Corridors
- Wetlands
- Floodplain
- Municipal Wellheads
- Steep Slopes
- Woodlands

The Township recognizes that these resources have a major role in the quality of life in the community and must be protected and preserved for future generations.

SECTION 401 PROCEDURAL STANDARDS

- A. It shall be a violation of this Ordinance to commence site alterations, including cutting of trees or grading prior to submission of application for a Zoning Permit and/or before submission of plans for Subdivision/Land Development.
- B. All applicable Overlay District boundaries shall be established and identified on the Preliminary Plan and/or with application for a Zoning Permit.
- C. It shall be the responsibility of the applicant to identify on the site plan any and all natural resources referenced in this Article.
- D. The applicant shall establish the precise location of the Overlay District in accordance with the provisions of the applicable environmental condition required in this Article.
- E. More than one Overlay District may apply to the site, reflecting a combination of environmental features. In this case, each overlaying District shall be shown separately and clearly on the site plan, and each District's standards shall be met.

SECTION 402 STREAM PROTECTION OVERLAY DISTRICT (SPOD)

PURPOSE

The Township recognizes streams and the natural areas around them as important hydrological and environmental assets. Spruce Creek, a coldwater fishery, is located just south of the Township. A major tributary, Warriors Mark Run, is located centrally near Warriors Mark Village. It is vital for land uses along the tributaries of Spruce Creek to respect this high quality watershed. Warriors Mark Township must regulate streamside land uses in order to protect Spruce Creek against water pollution and to promote low water temperatures. The purpose of this Section is to preserve existing vegetation or "riparian buffers" along waterways; protect fish habitat; minimize erosion; protect water quality by reducing and filtering stormwater runoff; and enhance the scenic quality of streams. A SPOD is hereby established as a District that overlays other Zoning Districts of this Ordinance.

A. Establishment of District Boundaries

The SPOD shall consist of a land strip of 75-foot width on each side of a stream, whether perennial or intermittent. Added to this District shall be any critical areas if they are found in or adjacent to the 75-foot buffer as follows:

1. Wet Soils: Such soils immediately adjacent to or bordering within 75 feet of the stream are considered hydrologically related to the waterway and shall be added to the Overlay District width. Wet soils shall include springs and other intermittent drainage areas.
2. Steep and/or Severe Slopes (25% or greater): Where the base of a steep/severe slope is seventy-five (75) feet or less from the stream or if the stream is in a ravine, the critical area shall extend to the top of the steep/severe slope(s) or ravine plus an additional 20 feet of moderate or lesser slope.

B. Standards

1. No development shall take place within the SPOD.

**SECTION 403 WELLHEAD PROTECTION OVERLAY DISTRICT
(WELLHEAD POD)**

PURPOSE

The Township recognizes the crucial role that safe drinking water plays in the community. This Overlay District is intended to assure adequate protection of groundwater associated with the wells of the Warriors Mark General Authority. A Wellhead POD is hereby established, overlaying other Zoning Districts of this Ordinance.

A. Establishment of District Boundary: The Wellhead POD shall comprise a one-quarter-mile radius around each municipal well.

B. Permitted Uses: All permitted and other uses of the underlying District shall apply, except that the following uses are expressly prohibited:

1. Intensive agriculture, including importation and/or storage of manure, unless preempted by the PA Nutrient Management Act;
2. Mineral Extraction activities;
3. Any Structure used for production/storage of dangerous materials;
4. Oil and gas development.

C. Standards

1. The applicant shall present evidence that groundwater resources will not be negatively affected by the proposed activity.
2. If such evidence is deemed deficient by the Township Supervisors, a second and/or independent hydro geologic study may be required.

SECTION 404 STEEP SLOPE PROTECTION OVERLAY DISTRICT (SSPOD)

PURPOSE

The Township recognizes steep slopes and hillsides as unique areas. Slope areas are fragile and susceptible to erosion and degradation of their natural vegetation. It is the intent of this Section to provide reasonable standards for hillside development, minimize grading and other site preparation, provide safe means for ingress and egress, minimize scarring from hillside construction, preserve natural vegetation in steep areas, prevent flooding and the deteriorating effects of erosion to streams and drainage areas. An SSPOD is hereby established as a District which overlays other Zoning Districts of this Ordinance.

A. Establishment of District Boundaries

The SSPOD shall consist of all land that has 25% slope or more. The SSPOD boundary shall be based on a topographic investigation of sloped areas. The average slope of an area shall be determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. The sloped area shall be measured at right angles to the natural contours. Regulated slopes are classified as: more than 25%.

B. Standards

1. Minimal Disturbance: The hillside site shall not be cleared excessively. Only the smallest area shall be disturbed. Removal of trees and grading shall be confined to the essential development area.
2. Protection of Trees: During construction, wooded areas and single, mature trees identified to be retained shall be fenced or roped off to prevent damage from construction equipment.
3. Threshold: The standards below shall apply where an area of 2,000 square feet of steep and/or severe slope is to be disturbed.
4. Conservation District Approval: An Erosion and Sedimentation Control Plan that has been reviewed and approved by the Huntingdon County Conservation District shall be secured prior to the Township's Preliminary Plan approval for subdivision/land development.
5. Mandatory Recommendations Adoption: Any recommendation of the County Conservation District shall be incorporated into a revised development plan prior to approval by the Township.

**ARTICLE V
ADMINISTRATION AND ENFORCEMENT**

SECTION 501 ZONING OFFICER

A. Appointment

The Zoning Officer shall be appointed and compensated by the Governing Body. He shall meet the qualifications established by the Governing Body and shall be able to demonstrate a working knowledge of this Ordinance and municipal zoning in general.

B. Holding Other Public Office

The Zoning Officer may hold any other appointive office in the Municipality, but no elective office.

C. Powers and Duties

The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use that does not conform to this Ordinance. He shall receive and examine all applications for permits, issue permits that are in accordance with this Ordinance, register identified non-conforming uses, record and file all applications for permits with accompanying plans and documents, attend Hearings, and make such reports to the Governing Body and the Zoning Hearing Board (ZHB) as may be required.

SECTION 502 ZONING PERMITS

A. Purpose

To determine compliance with the provisions of this Ordinance. No person shall erect, alter or convert any Structure or Building, or part thereof, nor alter the use of any land or Building, until the Zoning Officer has issued a Zoning Permit.

B. Type of Permits

1. Permitted Uses: The Zoning Officer may issue a Zoning Permit for a permitted use.
2. Conditional Uses: A Zoning Permit for a Conditional Use may be issued by the Zoning Officer only upon the order of the Board of Supervisors after a public hearing.
3. Special Exception Uses: A Zoning Permit for a variance or special exception use may be issued by the Zoning Officer only upon order of the ZHB after a public hearing.
4. Temporary Uses: A temporary use shall be subject to Section 722.

C. Application for Permits

All applications shall be made in writing and shall be accompanied by applicable fees and two (2) sets of plans showing, at a minimum, the following information, if applicable:

1. The name, address and telephone number of the property owner, the applicant (if different from the owner), and the estimated value of any proposed improvements.
2. Statement indicating existing and proposed use(s) of the Lot or parcel.
3. The assessment map and parcel number and the date of official record of the Lots or parcel on which construction is proposed.
4. Actual dimensions and shape of the Lots or parcel to be used.
5. The exact size and location on the Lot of Buildings, Structures, or signs existing and proposed, including any extensions thereto.
6. Parking plan, including location of parking and Loading Areas.
7. Height of any Structure, Building or sign existing and proposed.
8. The exact location on the Lots or parcel of any natural features identified as Environmental Overlay Districts in Article IV of this Ordinance.
9. Any other information deemed necessary by the Zoning Officer in order to determine compliance with this and any other applicable ordinances.

D. Issuance of Permits

1. It shall be the duty of the Zoning Officer to issue a Zoning Permit, provided he is satisfied that the Structure and the proposed use conform with all requirements of this Ordinance and that all other reviews and actions, if any, have been complied with and all necessary approvals secured.
2. All Zoning Permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises affected, and protected from the weather, whenever construction work is being performed. No owner, contractor, workman or other person shall perform any building operations regulated by this Ordinance of any kind unless a Zoning Permit is so displayed, nor shall they perform such building operations after notification of the revocation of said Zoning Permit.

E. Denial of Permits

When the Zoning Officer is not satisfied that the applicant's proposed development will meet the requirements of this Ordinance, he shall refuse to issue a Zoning Permit and the applicant may appeal to the Zoning Hearing Board for a reversal of the Zoning Officer's decision.

F. Revocation of Permits

If it appears to the Zoning Officer that the application and plans are false or misleading or that work differs materially from that called for in the applications, he may revoke (upon

inspection) the Zoning Permit, whereupon it shall be the duty of the person holding the Permit to surrender it and all copies to the Zoning Officer.

SECTION 503 VIOLATIONS

A. Enforcement Notice

1. If it appears to the Board of Supervisors or Zoning Officer that a violation of this Ordinance, or any amendments hereto has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
2. The enforcement notice shall be sent to the owner of the parcel, 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.
3. The enforcement notice shall state at least the following:
 - 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 that have not been met, citing in each instance the applicable provisions of the Ordinance;
 - d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
 - e) That the recipient of the notice has the right to appeal to the ZHB within a prescribed period of time in accordance with this Ordinance; and
 - f) That failure to comply with the notice within the time specified, unless extended by appeal to the ZHB, constitutes a violation, with possible sanctions clearly described.

B. Enforcement Remedies

1. Any person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of this Ordinance, or any amendments hereto shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before the Magisterial District Justice, pay a judgment of \$500 plus all court costs, including reasonable attorney fees incurred by the Township. No judgment shall commence or be imposed or levied until the date of the determination of a violation by the Magisterial District Justice.
2. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Justice determines that there was a good faith basis for the person, partnership, corporation or other entity to have believed that there was no such violation. In this case, there shall be deemed to have been only one violation until the fifth day following the date of the violation determination by the

Magisterial District Justice and thereafter each day that a violation continues shall constitute a separate violation.

3. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid to the Township.

SECTION 504 PLANNING COMMISSION

A. Creation and Abolishment

The Governing Body shall have the power to create or abolish, by ordinance, a Planning Commission. In lieu of a Planning Commission, the Governing Body may elect to assign the powers and duties conferred by the MPC upon a planning committee appointed by the Governing Body.

B. Membership

If the Governing Body elects to create a Planning Commission, such Commission shall have not less than three (3) nor more than nine (9) members. All members shall be residents of the municipality.

C. Compensation

Except for elected officers or employees of the Township, Commission members may receive compensation at the discretion of the Governing Body and may be reimbursed for necessary and reasonable expenses.

D. Review and Comment

1. The Zoning Hearing Board may refer to the Planning Commission applications or appeals that, in its opinion, require review by the Planning Commission.
2. The Board of Supervisors may refer to the Planning Commission applications for Conditional Uses for their review and recommendation.

E. Reports

The Planning Commission may recommend approval, disapproval, or approval subject to conditions or modifications, and shall report its findings on any matter to the Board of Supervisors or to the ZHB within thirty (30) days of receipt thereof.

F. Report to Governing Body

The Planning Commission may from time to time prepare and file with the Governing Body, a report on the operation of this Ordinance including recommendations for amendments or supplements.

SECTION 505 NON-CONFORMITIES

The lawful use of land or Structures existing at the date of the adoption of this Ordinance may be continued as a non-conformity if it does not conform to the regulations specified by this Ordinance for the District in which it is located.

A. Expansion or Alteration

1. Any expansion or alteration of a non-conformity shall be regarded as a Conditional Use subject to approval by the Board of Supervisors.
2. A dimension non-conformity may be altered or expanded only if such alteration or expansion is in conformance with the provisions of this Ordinance. However, upon approval of a conditional use, the Board of Supervisors may authorize additions or improvements to the dimensional nonconformities.

B. Replacement

1. A Non-conforming Use may be replaced by a similar Non-conforming Use by Special Exception granted by the ZHB.
2. A dimensional non-conformity may be replaced only in conformance with the provisions of this Ordinance.

C. Restoration

If any non-conformity is destroyed by reason of windstorm, fire, explosion or other act of God or public enemy, the non-conformity may be rebuilt, restored or repaired upon issuance of a building permit.

D. Abandonment

A Non-conforming Use shall be adjudged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of three (3) years from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the Structure shall not be reoccupied except in conformance with this Ordinance.

E. Reversion

No non-conformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a non-conformity.

F. Identification and Registration

At the request of the owner, Non-conforming Uses, Structures, and Lots may be identified and registered by the Zoning Officer as such. The reason for such identification and registration shall be noted by the Zoning Officer.

G. District Changes

Whenever the boundaries of a District shall be changed and transfer an area from one District to another District, the foregoing provisions shall apply to any Non-conforming Use or dimensional nonconformities created thereby.

ARTICLE VI ZONING HEARING BOARD

SECTION 601 MEMBERSHIP

- A. Appointment: There shall be a Zoning Hearing Board (ZHB) consisting of three (3) members who shall be appointed by resolution of the Board of Supervisors. Member term shall be three (3) years.
- B. Officers: The elected officers of the ZHB shall be a Chairman, Vice-Chairman, and Secretary. The elected officers shall be selected at the annual meeting by a majority vote by the ZHB. Their terms shall begin immediately following the annual meeting and shall expire at the next annual meeting.
- C. Vacancies: When any vacancies occur, the ZHB shall notify the Board of Supervisors, which shall appoint a member for the unexpired portion of the term.
- D. Zoning Officer: The Zoning Officer shall be present at all meetings for the purpose of providing technical assistance, as needed.

SECTION 602 FUNCTIONS OF THE BOARD

The duties of the ZHB shall be consistent with Article IX of the Municipalities Planning Code (MPC), including, but not limited to the following:

- A. Substantive challenges to the validity of any land use ordinance.
- B. Procedural challenges to any land use ordinance.
- C. Appeals from the determination of the Zoning Officer, including the granting or denial of any permit.
- D. Appeals from a determination by the municipal engineer or Zoning Officer with respect to the administration and provisions of the flood plain ordinance.
- E. Applications for variances.
- F. Applications for special exceptions.
- G. Appeals from the determination of the Zoning Officer regarding transfers of development rights or performance density provisions of the Zoning Ordinance.
- H. Appeals from the Zoning Officer's determination for a preliminary opinion.
- I. Appeals from the determination of the Zoning Officer or Municipal Engineer regarding stormwater management for building on single lot.

SECTION 603 PUBLIC HEARINGS

A. Scheduling and Notice of Hearings

1. Upon receiving an appeal or application, the Board shall fix a time and place for a Public Hearing and shall give the required notice of the hearing.
2. The first hearing shall be commenced within sixty (60) days of receipt of the applicant's application.
3. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or progress of the hearings may apply to the Court of Common Pleas for judicial relief. The hearing shall be completed no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas.
4. Notice of the hearing, which shall state the time and place of the hearing, the name of the owner of the property in question, the parcel location and existing use, and the purpose of the hearing, shall be given:
 - a) To the public, by advertising at least one (1) time in a newspaper of general circulation in the Township. This advertisement shall appear at least ten (10) days prior to the hearing;
 - b) To the applicant, the Zoning Officer, and such other persons as the Township Supervisors may designate, and any person who makes a timely request for the notice. This notice shall be mailed, or delivered in person, at least fifteen (15) days prior to the hearing date; and
 - c) By posting in a conspicuous manner on the property in question at least one (1) week prior to the hearing.
5. The Township Supervisors may establish reasonable fees, based on cost, to be paid by the applicant.

B. Conduct of Hearing

1. The Board shall conduct the hearings, or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings, shall be made by the Board. However, the appellant or 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.
2. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
3. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party 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 with any party unless all parties are given an opportunity to be present.

C. Parties to the Hearing

1. Parties to the hearings 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 who, at the discretion of the Board, may be permitted to appear as a party. The Board shall have parties enter appearances in writing or on forms provided by the Board for that purpose.
2. 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.

D. Statements

Statements are to be made in the following order, or as the Chairman may direct and the applicant or appellant must be given opportunity for rebuttal:

1. Applicant or appellant
2. Zoning Officer and other officials
3. Any private citizen

E. Witnesses

The Chairman or the Hearing Officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

F. Records

The Board or the Hearing Officer shall keep a stenographic record of the proceedings. The applicant and the Board shall share the appearance fee for a stenographer equally. 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.

G. Decision Procedure

1. The Board or the Hearing Officer 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. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based on

the findings, together with the reasons for the decision. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule or regulations 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.

2. If a Hearing Officer conducts the hearing, and there has been no stipulation that his decision or findings are final, the Board shall make this report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to submit a written response to the Board prior to final decision or entry of findings. The Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer.
3. Where the Board fails to render the decision within the period required by this subsection, or fails to commence or complete the required hearing as provided in Section 603.1, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in this manner, the Township shall give public notice of this decision within ten (10) days in the same manner as provided above. If the Board shall fail to provide such notice, the applicant may do so.
4. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

H. Notice of Decision

A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address with Board no later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or finding and a statement of the place at which the full decision or findings may be examined. The Zoning Officer shall retain the decision or findings as a public record.

I. Conditions Imposed

Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, these conditions must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

SECTION 604 VARIANCES

A. Filing of Variance

An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided by the Zoning Officer. It must be filed with the ZHB Chairman and copy given to the Zoning Officer. The applicant must provide all the information requested on the form, together with any other information and data that may be required whether such information is called for by the official form or not.

B. Referral to Planning Commission

At the discretion of the ZHB, applications for variances may be referred to the Planning Commission for a report. The Township Planning Commission may make a recommendation to the ZHB regarding the requested variance.

C. Standards of Variance

1. Where there is unnecessary hardship, the ZHB may grant a variance to the provisions of this Ordinance provided that all of the following findings are made, where relevant in a given case:
 - a. There are unique physical conditions and the hardship is not due to circumstances or conditions created by the provisions of the Zoning Ordinance in the applicable neighborhood or zone.
 - b. Because of these physical conditions, there is no possibility that the property can develop in strict conformity with the provisions of the Zoning Ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - c. The appellant has not created the unnecessary hardship.
 - d. The variance, if authorized, will not alter the essential character of the neighborhood or zone 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.
 - e. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

D. Conditions

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

E. Permits

Unless otherwise specified or extended by the Board, a variance expires if the applicant fails to obtain a building permit or certificate of use and occupancy within one (1) year from the date of authorization of the variance.

ARTICLE VII SPECIFIC STANDARDS

SECTION 701 CONDITIONAL USE AND SPECIAL EXCEPTION STANDARDS

A Conditional Use may be granted by the Board of Supervisors or a Special Exception may be granted by the Zoning Hearing Board, both following a Public Hearing and finding from a preponderance of evidence that:

- A. The proposed use, including its nature, intensity and location, is in harmony with the appropriate development of the Zone.
- B. The use has proper access to streets and will not create traffic congestion or cause industrial or commercial traffic to use residential streets.
- C. The use has adequate water supply, sewage disposal, storm drainage and fire and police protection.
- D. The value of adjacent land and Buildings will not be impaired by the proposed use.
- E. The specific standards set forth below for each particular use have been met.
- F. In the case of a Conditional Use, the Board of Supervisors may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. In the case of a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. The applicant shall have the burden of proof with evidence and persuasion on all questions.

SECTION 702 SPECIFIC STANDARDS

- A. In addition to the general standards above, specific standards for particular uses set forth in this Article must be met prior to approval.
- B. Included in this Article are special requirements for some uses permitted either by right, by Special Exception or by Conditional Use which must be met before the Zoning Officer may issue a permit.

SECTION 703 LANDSCAPE BUFFER

A Landscape Buffer and screening may be required by the Board of Supervisors or Zoning Hearing Board to mitigate the impact of various development activities in accordance with this section.

Type I Screening may be provided in three ways:

- a. A twenty (20) foot buffer yard planted with a triple row of conifers planted at oblique lines to one another so that a continuous screen is provided. All trees shall be a minimum of six (6) feet at the time of planting. This screen will require at least 25 trees per one hundred (100) feet.
- b. A ten (10) foot buffer yard with six (6) foot high solid fence or wall may be substituted on lots of less than one acre. Landscaping shall include a planting standard of ten (10) trees, per one hundred (100) feet. Trees may be either canopy trees or evergreens.
- c. A fifty (50) foot buffer yard of natural vegetation may be sufficient for screening where site size is sufficient and natural vegetation is sufficiently dense. Natural

vegetation must be maintained both during development and after. If existing vegetation is considered insufficient for screening, supplementary planting will be required.

Type II Screening shall be required for development of a hazardous nature including Mineral Extraction, Junk Yards, outside storage, towers, fuel storage or similar industrial activities. A Type II screen shall consist of one of the buffer yards required for Type I plus either:

- a. An opaque fence at least eight (8) feet in height, or.
- b. A barrier fence at least eight (8) feet in height.

For all screening types trees shall be a minimum of six (6) feet at planting and replaced within six (6) months of death.

SECTION 704 AUTO RELATED

Subject to the applicable District except as herein modified and provided:

A. Landscape Buffer

1. A Type 1 Landscape Buffer in accordance with Section 703 shall be applied to all Auto-Related activity adjacent to a residential area.

B. Body Shop/Paint Shop/Repair Shop

1. An activity involving the repair and/or painting of vehicle bodies shall be conducted within an enclosed building where measures shall be taken to minimize noise, fumes and dust.
2. Only vehicles to be repaired on the premises or picked up by the vehicle's owner may be stored in the yard area.
3. Junk cars shall not be stored on the lot, nor shall junk cars be accumulated (See definitions).
4. Licensed towing operations and/or repossessioners shall provide a secure, fenced-in area for the storage of all vehicles.

C. Car Wash

1. Car wash structures shall be set back one hundred (100) feet from streams and sinkholes. Under no circumstances shall wastewater be drained into Warriors Mark Run.
2. Each bay shall have a fifty (50) foot long on-site stacking lane.
3. Car wash operations shall also comply with all regulations of the PA Department of Environmental Protection.

D. Gas Station/Routine Service

1. Use shall not be permitted within one hundred (100) feet of any public or private water supply or well.
2. Buildings must be set back at least thirty (30) feet from the street line and fuel pumps must be set back at least (30) feet from the street line.

3. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided.
4. Use shall not constitute a public or private nuisance or create a fire hazard.
5. Any repair activities shall be conducted within an enclosed Building where adequate measures shall be taken to minimize noise and fumes. Paint spraying and body/fender work shall not be permitted.

E. Vehicle Sales

1. Vehicles offered for rent or for sale must be set back a minimum of fifteen (15) feet from the front property line.
2. Accessory uses, such as engine or body repair, painting and undercoating, may be provided where such uses are clearly subordinate and incidental to the principal use. Accessory uses must be completely enclosed within a building in order to minimize noise and fumes.
3. No vehicles shall be parked in the right-of-way of any adjacent street or alley.

SECTION 705 BED AND BREAKFAST

Subject to the requirements of those Zones except as herein modified and provided:

- A. No modifications to the external appearance of the Building (except fire escapes) that would alter its residential character shall be permitted.
- B. All floors above-grade shall have direct means of escape to ground level.
- C. Off-street parking shall be provided and shall be screened from adjoining residentially zoned properties.
- D. A sign may be erected in accordance with Article VIII of this Ordinance.
- E. The owner of the Bed-and-Breakfast must reside in the Dwelling or provide detailed information on the management of the establishment. The owner shall provide a sworn statement certifying to such residency or management arrangements upon request of the Township.

SECTION 706 COMMUNICATION OR CELL TOWERS

- A. The Federal Communications Commission must license the applicant.
- B. A cell site with antenna or other communication tower that is attached to an existing communications tower or other tall structure, is PERMITTED in all Zoning Districts, provided:
 1. The height of the antenna shall not exceed the height of the existing structure by more than ten (10) feet.
 2. The applicant provides certification that the proposed tower will not exceed the structural capacity of the existing structure.
- C. A tower or antenna that is either not mounted on an existing structure or is no more than ten (10) feet higher than the structure on which it is mounted, may be PERMITTED AS A CONDITIONAL USE in the A, RR and IC zones subject to the following:

1. The applicant shall demonstrate, using technological evidence that the antenna must go where it is proposed in order to satisfy its function in the company's grid system.
 2. If the applicant proposes to build a tower (as opposed to mounting the antenna on an existing structure), it shall demonstrate that it contacted the owners of all tall structures and cell site antenna within a one-half-mile radius of the proposed site, asked for permission to install the antenna on those structures, and was denied for reasons other than economic reasons. This shall include smoke stacks, water towers, antenna support structures of other companies, other towers, farm silos, and other tall structures.
 3. The applicant must demonstrate that the antenna is the minimum height required to function satisfactorily.
- D. If a new antenna support structure is constructed (as opposed to mounted on an existing structure), the minimum distance between the base of the support structure or any guide wire anchors and any property line shall be the largest of:
1. Thirty (30) percent of antenna height;
 2. The minimum setback in the underlying Zoning District;
 3. Forty (40) feet.
- E. The applicant shall demonstrate that the proposed support structure is safe and certify that the tower design meets current national standards for steel towers.
- F. Large trees shall be required to mitigate the visual impact of the tower site.
1. Existing vegetation at the site shall be preserved to the greatest extent possible.
 2. An evergreen buffer yard (e.g. pine plantation) or a grove of canopy trees shall be required at the site. Trees in this buffer yard shall be massed as a plantation on one or two sides of the structure with length and width comprising a total of one-half (1/2) acre.
- G. The applicant and/or the Landowner shall submit a plan for the removal of the facility when it is not placed in use, becomes obsolete, or is no longer in use. The applicant and Landowner shall be jointly and severally responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility.

SECTION 707 CONVERSION APARTMENTS

Subject to the requirements of the Zone in which located except as herein modified:

- A. There shall be a minimum of eight hundred (800) square feet of habitable floor area per apartment unit.
- B. The conversion of a single-family Dwelling is prohibited in an existing Dwelling of less than 1,600 square feet.
- C. No more than three (3) apartments can be created in any single Dwelling.
- D. The character of the existing Structure shall be maintained. No exterior modifications shall be permitted that alter the original style of the Dwelling, except for safety purposes.

- E. The owner shall provide proof that the existing water and sewage disposal systems are adequate for the additional Dwelling Units. The Township Sewage Enforcement Officer must approve the proposed method of sewage disposal.
- F. Off-street parking and other applicable requirements of this Ordinance shall be met.

SECTION 708 DAYCARE CENTER AND PRIVATE SCHOOLS

Subject to the requirements of that Zone except as herein modified and provided:

- A. At least one parking space for each full-time person employed plus one (1) space for every five (5) children to be served by the facility shall be provided. Driveways and parking areas shall be located so as not to endanger children entering or exiting the building.
- B. “Drop off” and “pick up” areas shall be provided.

SECTION 709 GROUP HOME

Where provided and subject to the following requirements:

- A. Group homes shall have the appearance of a conventional, single-family residence and shall meet the minimum yard, setback and lot width requirements for detached dwellings in the applicable Zoning District.
- B. The Department of Public Welfare must license a group home. Proof of licensing shall be furnished to the Township Zoning Officer at the time of application.

SECTION 710 HOME OCCUPATION

Also known as "No-impact Home-based Business" and permitted by right in all residential zones subject to the following:

- A. The primary use of the Lot shall be residential.
- B. Home Occupation must meet all applicable licensing regulations.
- C. Home Occupation shall not in any way alter the residential character of a neighborhood or in any way adversely affect the sale and comfortable enjoyment of properties in the vicinity.
- D. Home Occupation shall not create objectionable noise, vibration, glare, fumes, odors, or electrical interference that can be detected beyond the property line.
- E. The following shall not be permitted as home occupation: animal kennel, body shop, restaurant and dance studio.
- F. Off-street parking shall be provided in accordance with the Subdivision and Land Development Ordinance.
- G. Lot coverage and impervious surface ratios of the applicable District shall apply.
- H. No exterior evidence of the occupation shall be allowed.
- I. Only residents of the site may be engaged in the occupation on a regular basis.
- J. The use shall not involve the regular visitation by customers or clients.
- K. Not more than twenty-five (25) percent of the net floor area of the Dwelling may be devoted to a Home Occupation. If an addition to the home is proposed, its size shall not be larger than twenty-five (25) percent of the home's footprint.

SECTION 711 INDUSTRIAL USES

- A. The applicant shall provide a detailed description of:
1. A detailed site plan showing compliance with the Township’s Stormwater management requirements, property lines, Building locations, landscape plan, water supply, sewage disposal, pedestrian pathways, utilities, easements, contour lines, traffic flow, and, parking. Said plan(s) shall be prepared by a registered Professional Land Surveyor (PLS), Professional Engineer (PE) or Registered Professional Architect (RA).
- B. A traffic study prepared by a professional traffic engineer shall be submitted for any industrial use generating over one hundred (100) trips per peak hour, or when required by Penn DOT, including the following:
1. A description of the traffic impact area.
 2. Existing 24-hour and peak hour traffic volume data for all utilized roads.
 3. Estimate of the total number of vehicle trips to be generated by the development for a typical 24-hour period.
 4. Capacity/level of service analysis on major intersections that will be impacted by the development.
 5. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.
 6. Description of the street improvements that will be required, if any.
 7. Descriptions of any actions proposed by the applicant to alleviate the impact of the proposed development on the transportation network.
- C. A buffer in accordance with Section 703 shall be provided between an industrial use and adjacent residential use.

SECTION 712 AGRICULTURE

- A. Agricultural facilities shall be permitted after submission of a site plan in compliance with the following:
1. All manure storage facilities shall be set back a minimum of one hundred (100) feet from any lot line in conformance with 25 Pa Code Sec. 83.351.
 2. Minimum Setbacks:
Buildings used to house animals shall be set back a minimum of fifty (50) feet from any lot line. Other agricultural Structures shall be setback a minimum of forty (40) feet from any lot line.
 3. Minimum lot size:
Agriculture uses shall require a minimum of ten (10) acres.
 4. Floodplain:
Agricultural structures shall not be located in the floodplain.

SECTION 713 MOBILE HOME

- A. A building permit shall be required for placement of a Mobile-Home on a Lot, whether on an individual Lot or in a Mobile-Home Park.
- B. Every Lot used for an individual Mobile-Home shall meet the minimum lot size of the District in which it is located.
- C. The individual Mobile-Home must meet the applicable setbacks and all other requirements of the District in which it is located.
- D. Mobile-Homes shall be securely anchored to the ground or foundation in accordance with the Uniform Construction Code.
- E. No Mobile-Home shall be occupied, unless it rests on a permanent foundation and is connected with utilities.
- F. From the bottom of the walls to the ground, Mobile-Homes shall be provided with masonry walls or skirting designed to complement its appearance.
- G. **For Mobile-Home Parks**, see requirements of Article VII in the Township Subdivision and Land Development Ordinance.

SECTION 714 MULTI-FAMILY DWELLING

Subject to procedures for Land Development and the requirements of the District in which located except as herein modified and provided for multi-family dwellings containing three (3) or more units, including garden apartments, condominiums, town or row houses:

- A. The minimum lot area per unit shall be seven thousand (7,000) square feet.
- B. Maximum height shall be three (3) stories.
- C. The minimum distance between principal Buildings shall be forty (40) feet where two (2) or more multi-family dwellings are located on a single lot.
- D. The maximum number of Dwelling Units in a row group is six (6).
- E. A minimum of ten (10) percent of the gross area of the development or one thousand (1,000) square feet per unit, whichever is greater, shall be provided for recreation use. This space shall be provided and maintained by the owner.
- F. The Buffer Yard requirements of the Township's Subdivision and Land Development Ordinance shall be met. One-half of the required buffer yard area may be counted toward fulfillment of the required recreation area.
- G. Public/community sewer and public water must be utilized.

SECTION 715 MINERAL EXTRACTION

Where provided and subject to the following:

- A. Site Plan Specifications
 - 1. The site plan shall show the widths, bearing capacity, type of road surface of all Township roads used by truck traffic to or from the site and the weight of the vehicles using the facility. An analysis shall indicate any improvements needed to accommodate the vehicles using the facility.

B. Supplemental Controls

1. Times of Operation. No Mineral Extraction, including drilling and blasting, shall occur on Sunday and shall not be conducted earlier than 7:00 a.m. nor later than 7:00 p.m. during the remainder of the week.
2. Natural Resources. Mineral Extraction, mining and excavation shall not be permitted in:
 - Jurisdictional Wetlands
 - Wellhead Protection Areas
 - Designated Aquifer Protection Areas
4. Adjacent Residence. No extraction use shall be located within seven hundred, fifty (750) feet of any existing residence except for the residence of the facility owner.
5. Setbacks. An excavation or quarry wall shall be located a minimum of two hundred (200) feet from any street right-of-way.
6. Access. There shall be full compliance with all PennDOT regulations for site distance, grades, radius, etc., for access and egress to a public road even if said access is to a Township Road.
7. Buffer: A buffer in accordance with Section 703 shall be provided on all sides of a Mineral Extraction facility.

SECTION 716 SWIMMING POOLS, PRIVATE

Subject to the requirements of the applicable District and the following:

- A. Pools shall be an Accessory Use of a private residence and shall be used solely by the occupants and guests.
- B. Pools shall not be located in any required front or side yards.
- C. In-ground pools shall be enclosed by a wall or fence of not less than four (4) feet height to prevent uncontrolled access.
- D. All new pools with a water depth of 24 inches or more shall require a zoning permit before installation.

SECTION 717 OIL AND GAS DEVELOPMENT

It is the intent of this Ordinance to comply with Pennsylvania Act 13 as it relates to the permitting of Oil and Gas Development.

- A. Oil and gas operations are a permitted use in all Districts, except that a municipality can prohibit or require a Conditional Use in residential districts if:
 1. The well cannot be placed at least five hundred (500) feet from an existing Building; or
 2. The edge of the well pad cannot be placed at least three hundred (300) feet from an existing Building.

- B. Impoundment areas are a permitted use in all Zoning Districts, provided the edge is at least 300 feet from an existing Building.
- C. Compressor stations are a permitted use in Agricultural and Industrial Districts and a Conditional Use in all other Districts, provided:
 - 1. Setback must be the greater of seven hundred and fifty (750) feet from an existing building or two hundred (200) feet from the lot line; and
 - 2. Noise level at lot line not to exceed 60 dbA.
- D. Processing plants are a permitted use in Industrial Districts and a Conditional Use in Agricultural Districts:
 - 1. Setback must be the greater of seven hundred and fifty (750) feet from an existing building or two hundred (200) feet from the lot line; and
 - 2. Noise level at lot line not to exceed 60 dbA.
- E. Access route restrictions for overweight vehicles must comply with the Pennsylvania Vehicle Code and the MPC.
- F. No limits or conditions on subterranean operations or hours of operation for compressor stations, processing plants, drilling of wells and construction or disassembly of drilling rigs.
- G. A buffer in accordance with Section 703 shall be provided where Oil and Gas Development abuts residential use.

SECTION 718 RECREATIONAL DEVELOPMENT AND CAMPGROUNDS

Recreational Campground and Recreational Development Design Standards:

- A. Application: All recreational developments and campgrounds shall conform to the provisions of this Section.
- B. Size: The total area of any recreational campground shall be sufficient to provide adequate facilities for the use contemplated and, in particular, to provide adequate space for off-street parking.
- C. Street System:
 - 1. Traffic movements in and out of recreational developments and subdivisions should not interfere with external traffic, nor should they create hazards for adjacent residential areas.
 - 2. The design of streets, service drives and pedestrian ways should provide for safe and hazard-free internal circulation.
- D. Yards:
 - 1. Front Yard: Setback lines shall be not less than one hundred (100) feet.
 - 2. Side Yard: No Building shall be closer than one hundred (100) feet to the nearest lot line of the unrelated property. No man-made Structure or installation of any type shall be located nearer than one hundred (100) feet to a lot line of unrelated property.

3. Rear Yard: The yard requirement shall be the same as for side yards.
- E. Utilities and Sanitary Facilities:
1. Any recreational development or subdivision shall include such utilities and sanitary facilities as are necessary for the health, safety and welfare of those persons using the recreational development or subdivision. Potable water and sanitary sewer facilities shall comply with standards set by the Pennsylvania Department of Environmental Protection.
 2. Where possible, recreational developments and subdivisions should be located so as to make maximum use of existing public utilities and sanitary facilities. Where this is not possible, the developer must provide adequate utilities and sanitary facilities to maintain adequate health and safety standards.
- F. Recreational Campgrounds: Campgrounds shall be designed and constructed in conformance with this Section and applicable State regulations. Campgrounds shall meet the following requirements:
1. No campground shall have an area of less than ten (10) acres.
 2. Each campsite shall have an area of at least one thousand five hundred (1,500) square feet exclusive of roadways and parking areas, and shall have parking for one (1) automobile in addition to a tent or trailer site.
 3. At a minimum, campgrounds shall provide: back-in parking, central sanitary dump stations, central water facilities, toilets and shower facilities.
 4. No campsite shall be placed closer than one hundred (100) feet to an adjacent property.
- G. Location:
1. Recreational developments that are expected to generate large traffic volumes should be located adjacent or close to major traffic streets and highways. Where this is not possible, the developer must include in his plan sufficient major traffic streets to provide access to the development or Subdivision.
 2. The location of a recreational development must be in accordance with the master plan existing at the time of filing of the preliminary plan.

SECTION 719 TEMPORARY STRUCTURES AND USES

A temporary use permit must be obtained for a new Temporary Use which is in the public interest and which will not create any Nuisance or hazard. Temporary Uses of up to 30 days shall be registered with the Board of Supervisors and shall not require a Zoning Permit. This may be extended to 60 days. A Temporary Use which will exceed 60 days must be approved by the Board of Supervisors. A Temporary Use permit for a Nonconforming Structure or Use may be permitted if it meets the following:

- A. Is beneficial to the public health or general welfare,
- B. Is necessary to promote the proper development of the community,
- C. Is seasonal in nature,
- D. Does not create a nuisance or hazard,
- E. Complies with setback and parking requirements, and

- F. Meets other permit and licensing requirements (e.g., food vending, and amusement safety).

These uses may include, but are not limited to, concerts, fairs and festivals, religious gatherings, construction trailers and offices, temporary classrooms or office space, and real estate sales offices if located within the Subdivision where sales are being solicited and no sales are solicited for homes or lots other than those in the subdivision where the office is located.

The permit may be issued for a period not exceeding one (1) year. Such permits may be renewed annually by the Board of Supervisors for an aggregate period not exceeding three (3) years if application is made prior to the expiration of the initial temporary permit. The Nonconforming Structure or Use must be completely removed upon the expiration of the permit without cost to the Township.

SECTION 720 KENNELS

Kennels shall meet the following requirements:

- A. Kennels shall be located on a parcel of at least three (3) acres. Minimum lot size shall be increased by ½ acre for every 20 animals up to ten acres.
- B. All Kennels shall be constructed of material that can be easily cleaned and shall be kept in a clean and sanitary condition.
- C. In order to minimize noise, dogs shall be kept in an enclosed Building between the hours of 8 PM and 8 AM each day.
- D. All dog runs and Kennel Structures shall be set back at least one-hundred, twenty-five (125) feet from any property line.
- E. A landscaped buffer shall be created between the kennel and any adjacent residential use in accordance with Section 703.

SECTION 721 ADULT COMMERCIAL

Subject to the applicable District and as herein modified and provided:

- A. An adult commercial facility may not be located within one thousand (1,000) feet of any public or private school, recreation facility or church.
- B. Any Building used for adult commercial shall be windowless, or have an opaque covering on all windows or doors so that the merchandise shall not be visible from outside of the Building.
- C. No sign may give a graphic representation of the materials offered within. No materials, merchandise, or film offered for sale, rent, lease, loan or for view shall be exhibited or displayed outside of the Building.
- D. Each entrance to the premises shall be posted with a notice warning all persons that they may be offended upon entry.
- E. Minors shall not be enticed, nor shall persons age 21 or younger be admitted.
- F. No adult-oriented business shall be allowed to convert to another type of adult business without Township approval.
- G. No adult-oriented business shall be permitted within five-hundred (500) feet of a residential Structure.

ARTICLE VIII SIGNS AND LIGHTING

SECTION 801 PURPOSES AND APPLICABILITY

A. Purposes

This Article is intended to promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content (excepting obscenity that is prohibited by State law or language that incites violence); promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses. The lighting provisions of this Article are intended to minimize glare and hazard from lighting.

B. Permit Required

A Zoning Permit shall be required for all Signs except for: a) Signs meeting the requirements of Section 703 and b) non-illuminated window Signs constructed of paper, cardboard or similar materials and that are not of a permanent nature. Only types, sizes and heights of Signs that are specifically permitted by this Ordinance within the applicable District shall be allowed.

C. Changes on Signs

Any lawfully existing Sign (including non-conforming Signs) may be painted or repaired or changed in logo or message without a new permit under this Ordinance provided that the changes do not increase the Sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.

SECTION 802 SIGN DEFINITIONS

A. Sign Definitions

The following definitions shall also be used in determining whether signs meet the measurement and type requirements of this Article:

1. Abandoned Sign: A Sign that identifies something that is no longer a bona fide business, lessor, service, owner or product, or advertises an event or activity that is no longer occurring, and/or for which no legal owner can be found. This term shall also include a structural support for a Sign if the Sign has been removed.
2. Awning: A non-illuminated Sign painted on or attached to a fabric or vinyl cover on a rigid frame. All or part of the allowed wall Sign area may be placed on an awning.
3. Building Face: The vertical area of a particular side of a Building, but not including the area of any slanted roof.
4. Flag: Fabric, banner or bunting containing distinctive colors, patterns or symbols, including a flag that is a symbol of a nation or political subdivision or other entity.
5. Freestanding Sign: A Sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a Building.

6. Height of Sign: The vertical distance measured from the average ground natural level surrounding a Sign to the highest point of the Sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article when attached to a tower or spire of a place of worship.
7. Illuminated Sign, Internally: A Sign illuminated by light from within the Sign rather than a source adjacent to or outside of the Sign. A Sign within a display case with lights only shining onto the front of the Sign shall be considered to be "externally" illuminated.
8. Marquee Sign: A Sign that is attached to a permanent overhang over a sidewalk that extends from the face of a Building, and which meets the minimum clearance over a sidewalk established by the Construction Code. All or part of the allowed Wall Sign area may be placed on a marquee, provided any new marquee shall meet this Ordinance and the Construction Codes.
9. Monument Sign: A type of freestanding Sign which has a maximum total height of eight (8) feet and which has a solid bottom attached to the ground, as opposed to being supported by a pole.
10. Non-conforming Sign: A Sign that was lawful when it was installed, but which does not meet current sign regulations of this Ordinance.
11. Off-Premise Sign: See Section 806.
12. On-Premises Sign: A Sign that is not an Off-Premises Sign, such as a Sign that advertises a business or service offered on the premises.
13. Political Sign: A Sign that advertises a candidate for election or an opinion on a current political issue.
14. Portable Sign: A Sign that is not permanently affixed to the ground or to a Building, and which is not listed by this Article as an allowed temporary sign, and which is attached to a chassis, wheels or legs that allows it to be towed or carried from one location to another.
15. Projecting Sign: A Sign that is attached to a Building and that extends perpendicular from the Building and that meets requirements of the Uniform Construction Code for secure construction and minimum clearance over a sidewalk, and that does not extend over a Street.
16. Real Estate Sign: A temporary Sign advertising the availability of land or building space for sale, lease or auction.
17. Sign: See Article II.
18. Wall Sign: A Sign primarily supported by or painted on a wall of a Building. A Wall Sign may also be displayed upon an awning or canopy, provided other requirements of this Ordinance are met.
19. Window Sign: A Sign that is readily visible and can be at least partially read from an exterior Lot line and that is attached to a window or transparent door or that can be read through a window or transparent door.

SECTION 803 MISCELLANEOUS SIGNS NOT REQUIRING PERMITS.

The following Signs shall be permitted by right within all Zoning Districts within the following regulations, and shall not be required to have a permit under this Article.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN* ON RESIDENTIAL LOTS **(sq. ft.)	MAX. SIGN AREA PER SIGN* ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees.	2	8	32	Shall only be posted during seasons when such products are actively offered for sale.
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is to benefit a legitimate tax-exempt nonprofit organization or charity.	2	16	32	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular Lot that is not such person's place of business, or a bank or agency that is financing an on-site construction project.	1 per contractor	10	30 (Or one sign of 60 square feet maximum may be used if the sign is shared by multiple entities).	Shall only be permitted while such work is actively and clearly underway and a max. of 10 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be illuminated.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN* ON RESIDENTIAL LOTS **(sq. ft.)	MAX. SIGN AREA PER SIGN* ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Directional Sign</u> - Provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3, in addition to signs painted on pavement	3, in addition to signs painted on pavement	Directional Signs within a residential development shall not be illuminated.
<u>Flag</u> - A pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also “Special Sale Signs” below.	1	20	20	Flags of governments and flags that simply include colors or patterns are not regulated by this Ordinance, provided they do not exceed 10 in number.
<u>Garage Sale Sign</u> - Advertises an occasional garage sale/porch sale or auction.	2 per event	16	16	Shall be placed a max. of 5 days. before an allowed garage sale or auction begins, and be removed max. of 24 hrs. after event ends.
<u>Home Occupation Sign</u> - Advertises a permitted Home Occupation.	1	32	32	Shall not be illuminated, except a sign of a medical doctor may be externally lit. Shall be setback a minimum of 10 feet from the street right-of-way, unless printed on a mailbox. May be freestanding, attached flat on a building wall or within a window.
<u>Identification Sign</u> - Only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a Lot, but does not include advertising.	1	16	16	Maximum height of 8 feet.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN* ON RESIDENTIAL LOTS **(sq. ft.)	MAX. SIGN AREA PER SIGN* ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Open House Sign</u> - Advertises the temporary and periodic open house of a property for sale or rent.	2 per event	6	6	Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such Sign shall not be posted more than 5 consecutive days.
<u>Political Sign</u> - Advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.	Maximum of 2 sign faces per issue or candidate per street	Maximum of 16 sq.ft. per issue or candidate per street frontage.	Maximum of 16 sq.ft. per issue or candidate per street frontage.	Shall be removed a max. of 5 days after an election, vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<u>Public Services Sign</u> - Advertises the availability of restrooms, telephone or other similar public convenience.	No max.	4	4	
<u>Real Estate Sign</u> - Advertises the availability of property on which the sign is located for sale, rent or lease.	1 per street the lot abuts	6	30	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 7 days after settlement or start of lease.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN* ON RESIDENTIAL LOTS **(sq. ft.)	MAX. SIGN AREA PER SIGN* ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Service Organization/Place of Worship Sign</u> - An off-premises Sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.	2	2	2	Maximum of 2 such Signs per such organization or place of worship.
<u>Special Sale Signs</u> - Temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. A Portable Sign may be used under this provision.	3 per lot	Not permitted	Total of 60 sq. ft. for all such banners, flags and other temporary signs. No one banner, flag or sign shall exceed 40 sq. ft.	Shall be displayed a max. of 7 consecutive days per event, and a max. of 5 events per year. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances.
<u>Time and Temperature Sign</u> - With a sole purpose to announce the current time and temperature and any non-profit public service messages.	1	Not permitted	16	
<u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	4	4	No permits required for Trespassing Signs.

* Maximum sign areas are for each of 2 sides of each permitted Sign, measured in square feet.

** For the purposes of this Section, a "Residential Lot" shall mean a lot occupied by a principal residential use, or an undeveloped lot in a "residential district."

In addition, the following types of signs are not regulated by this Ordinance:

1. Historic Sign: Memorializes an important historic place, event or person and that is specifically authorized by the Township or a County, State or Federal agency.
2. Holiday Decorations: Commemorates a holiday recognized by the Township, County, State or Federal Government and that does not include advertising.
3. Not Readable Sign: Not readable from any public street or any exterior lot line.

4. Official Sign: Erected by the State, County, Township or other legally constituted governmental body, or specifically authorized by Township ordinance or resolution, and which exists for public purposes.
5. Required Sign: Only includes information required to be posted outdoors by a government agency or the Township.
6. Right-of-Way Sign: Posted within the existing right-of-way of a public street and officially authorized by the Township or PennDOT, including but not limited to decorative banners hung from street lights that are authorized by the Township.

**SECTION 804 FREESTANDING WALL AND WINDOW SIGNS
(ON-PREMISES SIGNS).**

A. The following are the On-Premises Signs permitted on a Lot within the specified Districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all Districts by other provisions of this Article. See definitions of the types of Signs in Section 802.

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREESTANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS
<p>Rural Residential, Residential and Agricultural Districts, with Signs in this Table limited to allowed principal non-residential uses.</p> <p>For Home Occupation Signs, see Section 803.</p> <p>No new Signs in these Districts shall be internally illuminated.</p>	<p>10 feet</p>	<p>30 sq. ft. on each side of a principal non-residential Building or a nursing home or personal care center.</p>	<p>May be used in place of a Wall Sign with the same restrictions.</p>	<p>1 sign on each street the Lot abuts, each with a maximum Sign area of 20 sq. ft.</p> <p>See also entrance Signs for major residential or commercial developments in Section 804.E.</p>

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREESTANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS
<p>Village District.</p> <p>No new Freestanding Sign in the V District shall be internally illuminated.</p> <p>The design of any new Sign in the V District with a Sign area of 10 or more sq. ft. shall be provided to the Planning Commission for an opportunity for review and comment before a Sign permit is issued.</p>	<p>10 feet</p>	<p>1 sq. ft. of Sign area for each linear foot of Building frontage to which the Sign is attached, but in no case exceeding an absolute maximum of 200 sq. ft. per establishment. There shall be a maximum of 3 Wall Signs per establishment.</p>	<p>Temporary non-illuminated Window Signs are not regulated. Other Window Signs shall be considered Wall Signs.</p>	<p>1 Sign per street that the lot abuts, each with a maximum area of 16 sq.ft. *</p> <p>Up to 9 sq. ft. of this Sign area may be used instead for a Projecting Sign, provided it is not internally illuminated, or a sandwich board sign that is placed on the sidewalk in a location that does not obstruct pedestrian traffic, and which is kept inside when the business is not open.</p>
<p>Commercial and Industrial District and any other District not listed above</p>	<p>15 feet</p>	<p>2 sq. ft. of Sign area for each linear foot of Building frontage to which the Sign is attached, but in no case exceeding an absolute maximum of 200 sq. ft. per establishment. There shall be a maximum of 3 Wall Signs per establishment.</p>	<p>Temporary non-illuminated Window Signs are not regulated. Other Window Signs shall be considered wall Signs.</p>	<p>1 Sign per street that the lot abuts, each with a maximum area of 40 sq.ft. *</p>

* If a lot includes 2 or more distinct principal non-residential uses, the maximum freestanding sign area may be increased by 10 square feet for each principal non-residential use beyond the first non-residential use. For example, in the C district, if a lot includes 3 such uses, the maximum freestanding sign area shall be 40 plus 20 equals 60 square feet.

B. Maximum Height of Wall Signs

The maximum height of Wall Signs shall be equal to the top of the roof along the wall to which they are attached. However, sign may be attached to a “parapet roof” that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.

C. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs

1. Purpose. These standards recognize Portable Signs as a particular type of Sign that has the characteristics of a temporary Sign but that has been inappropriately used as a permanent Sign. This Section is based on the policy that if a user desires to regularly display a Sign for regularly changing messages, that it erects a permanent Sign within all of the requirements of this Ordinance.
2. Portable Signs are prohibited in all Districts, except as a temporary Charitable Event sign permitted by Section 803.
3. Businesses are encouraged to provide an area on a permanent Sign that displays changeable messages, as opposed to using a separate sign for such purpose.

D. Signs on Freestanding Walls

A Freestanding Sign may be attached to a decorative masonry or stone wall with a maximum height of six (6) feet and a maximum length of twelve (12) feet, without being regulated by the wall setback regulations of this Ordinance and with the wall itself not counting towards the maximum sign area. Such walls may be placed in a yard, provided they do not obstruct safe sight distances.

E. Major Development Sign

One two-sided sign or two one-sided signs shall be allowed at up to two (2) exterior street entrances to a Subdivision or Land Development of twenty (20) or more Dwelling Units or more than five (5) principal business uses. Such Sign area shall be no larger than forty (40) square feet and shall be attached to a wall that meets Section 804.D.

SECTION 805 PROHIBITED SIGNS

The following prohibitions on Signs shall apply in all Zoning Districts:

- A. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 803.
- B. Flashing, blinking, twinkling, animated scrolling or moving Signs of any type are prohibited. Signs may change their message from time to time provided that each message is visible for at least one full minute, except time and temperature signs may change more frequently.
 1. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes Window Signs, but does not prohibit Christmas lighting or displays, within Section 803.

- C. Signs that emit smoke, visible vapors or particles, sound or odor are prohibited.
- D. Signs that contain information that states that a Lot may be used for a purpose not permitted under this Ordinance are prohibited.
- E. Signs that are of such form, shape or color that they resemble an official traffic sign, signal or device or that have any characteristics that are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.
- F. Signs or displays visible from a Lot line that include words or images that are obscene or pornographic are prohibited.
- G. Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.
- H. Floodlights and outdoor lasers for advertising purposes are prohibited.
- I. To avoid distractions to motorists, neon lighting of more than ten (10) square feet per lot shall be prohibited as part of signs and if attached to the outside of a Building. Neon shall not be used to line the outside of a Building.

SECTION 806 OFF-PREMISE SIGNS (INCLUDING BILLBOARDS)

A. Purposes

Off-premise Signs are controlled by this Ordinance for the following purposes: to ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Township, including existing non-conforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; and carry out the purposes listed in Section 801.

B. Non-conforming Off-Premise Signs

This Section is not intended to require the removal of an existing lawfully-placed Off-Premises Sign that is in structurally sound condition.

C. PennDOT Sign

Signs erected and maintained by PennDOT are permitted by right in all Districts.

D. Permitted Off-Premise Signs

Except for other types of Signs that are specifically allowed by this Section to be off-premises, an Off-Premise Sign is only permitted if it meets the following requirements:

1. District: An Off-Premises Sign is only permitted in the IC District.
2. Location: An Off-Premises Sign shall be setback a minimum of twenty-five (25) feet from all lot lines and street rights-of-way.
3. Maximum Total Sign Area on Each of 2 Sides: Three hundred (300) square feet.
4. Spacing: Any Off-Premises Sign shall be separated by a minimum of one thousand (1,000) feet from any other Off-Premises Sign with a Sign area greater than twenty (20) square feet, including signs on either side of a street and including existing Signs in other municipalities. No Lot shall include more than one (1) Off-Premises Sign, except as allowed in Subsection 6 below.
5. Maximum Height: Thirty-five (35) feet above the elevation of the adjacent street, measured at the street centerline.
6. Attached: No Off-Premises Sign or Sign face shall be attached in any way to any other Off-Premises Sign, except that a Sign of three hundred (300) square feet may have two (2) Sign faces of two hundred (200) square feet each provided the angle between the Signs does not exceed forty-five (45) degrees.
7. Control of Lighting and Glare: See standards in Section 807. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Lighting shall be directed downwards towards the sign area and shall be turned off between the hours of midnight and 6 a.m.
8. Setbacks: No Off-Premises Sign greater than twenty (20) square feet in sign area shall be located within two hundred and fifty (250) feet from any of the following: a) an existing dwelling, b) a Residential District, or c) the Village District.
9. Condition: The Sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a “for lease” sign.

SECTION 807 GENERAL DESIGN, LOCATION AND CONSTRUCTION OF SIGNS

A. Setbacks

1. All Freestanding Signs shall be setback a minimum of five (5) feet from the existing street right-of-way, except in the Village District. Signs shall not be located within the existing street right-of-way, except for allowed projecting signs and sandwich board signs.
2. A freestanding illuminated Sign for a commercial or industrial business shall not be located within five (5) feet from an abutting lot line of principal dwelling in a residential district.
3. These setbacks shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.

B. Sight Clearance

No Sign shall be so located that it interferes with the sight clearance requirements of the Subdivision and Land Development Ordinance.

C. Off-Premises

No signs except permitted Off-Premises, Official, Political or Public Service Signs shall be erected on a property to which it does not relate. A Major Development Sign may be located on one Lot in a Subdivision to advertise uses throughout the subdivision.

D. Permission of Owner

No Sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.

E. Utility Poles

No Sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.

F. Construction of Signs

Every permanent Sign permitted in this Section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe Sign within a specified period of time. If such order is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.

G. Wiring of Signs

Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except on a residential property for seasonal lighting.

SECTION 808 VEHICLES FUNCTIONING AS SIGNS

Any vehicle, trailer or structure to which a Sign is affixed in such a manner that the carrying of such Sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.

SECTION 809 ABANDONED OR OUTDATED SIGNS

Signs advertising a use no longer in existence (other than a Sign relating to a Building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within one hundred and eighty (180) days of the cessation of such use.

SECTION 810 MEASUREMENT OF SIGNS

A. Measurement of Sign Area:

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "Freestanding Sign" may include several signs that are all attached to one structure,

with the total "sign area" being the area of a common geometric form that could encompass all Signs.

2. The Sign area shall not include any structural supports that do not include a message.
3. Where the Sign consists of individual letters or symbols attached to or painted directly on a Building or window, other than an illuminated background that is a part of the sign, the Sign area shall be the smallest rectangle that includes all of the letters and symbols.
4. The maximum Sign area of Sign shall be for each of two sides of a Sign, provided that only one side of a Sign is readable from any location.
5. Unless otherwise specified, all square footages in regards to Signs are maximum sizes.

SECTION 811 NON-CONFORMING SIGNS

- A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered Non-Conforming Signs.
- B. An existing lawful Non-Conforming Sign that was lawful when it was initially placed may be replaced with a new Sign, provided the new Sign is not more non-conforming in any manner than the previous Sign. A Non-Conforming Sign shall not be expanded in a manner that does not conform to this Ordinance.
- C. Unlawful Signs. If a Sign was placed without a required permit by the Township, and does not comply with this Ordinance, it shall not be considered lawful, and shall be required to be removed. See the enforcement notice requirements in Section 503.

SECTION 812 LIGHTING

- A. Diffused: All light sources, including Signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- B. Shielding: All light sources, including Signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent Dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- C. Flickering: Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- D. Spillover: Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 1.0 horizontal foot-candle at a distance 10 feet inside the residential lot line.
- E. Gasoline Sales Canopies: Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- F. Lighting of Horizontal Surfaces: For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed

downward and shall include full cut-off measures as needed to properly direct the light and to prevent glare onto streets. The Municipality may require that light fixtures for non-residential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots.

- G. Lighting of Non-Horizontal Surfaces: For lighting of predominantly non-horizontal surfaces such as building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light towards neighboring residences or past the object being illuminated or skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Lighting of a billboard should be attached to the top of the billboard and project downward. However, lighting shall be allowed of the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.

ARTICLE IX OFF-STREET PARKING AND LOADING

Note: When setting standards for numbers of parking spaces, it may desirable to include an alternative for a use, such as a fair or carnival, that may only need the parking for a few days a year. For example, a shuttle service may meet that need or parking on grass may be appropriate.

SECTION 901 REQUIRED NUMBER OF PARKING SPACES

A. Overall Requirements:

1. Number of Spaces: Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 9.1 and the regulations of this Article.
2. Uses Not Listed: Uses not specifically listed in Table 9.1 shall comply with the requirements for the most similar use listed in Table 9.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses: Where a proposed lot contains or includes more than one type of use, the number of Parking Spaces required shall be the sum of the parking requirements for each separate use.
4. Parking Landscaping: See Section 903 of this Ordinance.

TABLE 9.1 OFF-STREET PARKING REQUIREMENTS

(Note: A municipality with a downtown may wish to reduce parking requirements within that area, if there is on-street and/or municipal parking.)

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
A. <u>RESIDENTIAL USES</u> : 1. Dwelling Unit, other than types listed separately in this table.	2 per Dwelling Unit. As part of a new subdivision, if a vehicle must be moved from one space in order to access the second space, then an additional Parking Space shall be available for each Dwelling Unit, such as an on-street space in front of the dwelling or an overflow parking lot.	
2. Single-family detached dwelling with an accessory apartment within a Neighborhood Development	A combined total of 3 spaces for the 2 dwelling units. Each space shall be designed to allow each vehicle to be moved without first moving another vehicle.	
3. Home Occupation	See Section 712	

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
4. Housing Permanently Restricted to Persons 62 Years and Older and/or the Physically Handicapped	1 per Dwelling/rental Unit, except 0.4 per Dwelling/rental Unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old	Non-Resident Employee
5. Boarding House	1 per rental unit or bed for adult, whichever is greater	Non-Resident Employee
6. Group Home	1 per 2 residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee
<u>B. INSTITUTIONAL USES:</u>		
1. Place of Worship or Church	1 per 5 seats in room of largest capacity. For pews that are not individual seats, each 48 inches shall count as one seat.	Employee
2. Hospital	1 per 3 beds	1.1 Employees
3. Nursing Home	1 per 5 beds	1.1 Employees
4. Assisted Living Facility and/or Retirement Community	1 per 4 beds, plus 1.5 for each individual Dwelling Unit	1.1 Employees
5. Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.1 Employees
6. School, Primary or Secondary	1 per 4 students aged 16 or older	1.1 Employee
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. College or University	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	1.1 Employee
9. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	1.1 Employee
10. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
11. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	1.1 Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
C. <u>COMMERCIAL USES:</u>	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the Lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
1. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 15 vehicles, boats, RV's or homes displayed	Employee
3. Bed and Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Non-resident employee
4. Bowling Alley	2 per lane plus 2 per pool table	1.1 Employees
5. Car Wash	Adequate waiting and drying areas.	1.1 Employees
6. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	1.1 Employees
7. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
8. Miniature Golf	1 per hole	1.1 Employees
9. Haircutting/Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.1 Employees
10. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.1 Employees
11. Laundromat	1 per 3 washing machines	On-site Employee
12. Offices or Clinic, Medical/Dental	5 per physician or physician's assistant and 4 per dentist	1.1 Employees
13. Offices, other than above	1 per 300 sq. ft. of total floor area	
14. Personal Service Use, other than haircutting/hairstyling (minimum of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.1 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
15. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 4 persons of maximum capacity of all facilities	1.1 Employees
16. Outdoor Recreation (other than uses specifically listed in this Table)	1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.1 Employees
17. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats. This parking shall be calculated separately from a shopping center	1.1 Employees
18. Retail Sales (other than types separately listed and other than a shopping center)	1 per 200 sq. ft. of floor area of rooms accessible to customers	
19. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 800 sq.ft. of floor area of rooms accessible to customers	
20. Shopping Center involving 5 or more retail establishments on a lot.	1 per 200 square feet of leaseable floor area	
21. Tavern or Nightclub or After-hours Club	1 per 30 sq. ft. of total floor area	1.1 Employees
22. Theater or Auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.1 Employees
23. Trade/Hobby School	1 per 2 students on-site during peak use	1.1 Employee
24. Veterinarian Office	4 per veterinarian	1.1 Employee
<p><u>D. INDUSTRIAL USES:</u></p> <p>All industrial uses (including warehousing, distribution and manufacturing)</p>	<p>In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance</p> <p>1 per 1.1 employee, based upon the maximum number of employees on-site at peak period of times</p>	<p>1 visitor space for every 10 managers on the site</p>
Self-Storage Development	1 per 20 storage units	1.1 Employee

SECTION 902 GENERAL REGULATIONS FOR OFF-STREET PARKING

A. General

Parking Spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

B. Existing Parking

1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
2. If a Lot is redeveloped with a new principal Building, then any existing parking on such Lot that serves such Building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.
3. Continuing Obligation of Parking and Loading Spaces: All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or Building that the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking

C. Change in Use or Expansion

A Structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal Building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If an existing lawful use includes less parking than would be required if the use would be newly developed, then that deficit of parking shall be grandfathered for re-use of an existing Building. For example, an existing store might include three (3) parking spaces and would have been required to provide seven (7) spaces if it was newly developed. Therefore, there is an existing non-conforming deficit of four (4) spaces. Then, if that store is converted to an office that would need ten (10) spaces, the office would need to provide a total of six (6) spaces (10 spaces minus the pre-existing deficit of 4 equals 6).
2. If a non-residential use expands by an aggregate total maximum of five (5) percent in the applicable measurement (such as building floor area) that relates to parking, beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing Building included three thousand (3,000) square feet, and a single minor addition of one hundred and fifty (150) square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per Lot.

D. Location of Parking

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board as a special exception that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a non-residential use. A written and signed lease shall be provided, if applicable.
 - a. The Zoning Hearing Board may require that the use be approved for a period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.

E. Reduction of Parking Requirements as a Special Exception

1. Purposes - To minimize the amount of land covered by paving, while making sure adequate parking is provided, and to recognize that unique circumstances may justify a reduction in parking.
2. As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.
 - a. The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employees, peak expected number of customers/visitors and similar data.
 - b. Under this Section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.
 - (1) In addition, an applicant may prove that parking needs will be reduced or that off-site parking is feasible because the applicant agrees to make a long-term commitment to a shuttle service for residents or employees.
 - c. Reserved Area for Additional Parking. Under this Section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.
 - (1) Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the Township determines it is necessary. A deed restriction is recommended.

- (2) If approved under this subsection “c.”, the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet Township requirements.
- (3) The additional parking that is “reserved” under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land’s release from the restriction, or until the Township may require that the land be developed as parking.
- (4) The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer, in the future, determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

SECTION 903 DESIGN STANDARDS FOR OFF-STREET PARKING

A. General Requirements

1. Backing Onto a Street: No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a Parking Space, except for a single-family or two-family Dwelling with its access onto a local street or parking court. Parking Spaces may back onto an alley.
2. Every required Parking Space shall be designed so that each motor vehicle may proceed to and from the Parking Space provided for it without requiring the moving of any other vehicle, unless specifically permitted otherwise.
3. Parking areas shall not be within a required buffer yard or street right-of-way.
4. Separation from Street: Except for parking spaces immediately in front of individual Dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the Lot.
5. Stacking and Obstructions: Each Lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

B. Size and Marking of Parking Spaces

1. Each Parking Space shall be a rectangle with a minimum width of ten (10) feet and a minimum length of twenty (20) feet, except the minimum sized rectangle shall be eight (8) feet by twenty-four (24) feet for parallel parking and except where a larger space is required by Section 903.C.
2. For handicapped spaces, refer to Section 903.G.
3. All spaces shall be marked to indicate their location, except those of a one or two-family dwelling.

C. Aisles

Parking Spaces and aisles shall be designed and built in conformance with the following:

Angle of Parking	Parking Space Min. Width (feet)	Parking Space Min. Depth (feet)	Aisle Width One Way Traffic (feet)	Aisle Width Two Way Traffic (feet)
90 degrees	10	20	20	24
55 to 89 degrees	10	22	18	24
35 to 54 degrees	10	21	16	22
1 to 34 degrees	10	20	14	20
Parallel	8	24	12	20

Min. = Minimum

D. Accessways and Driveways

1. Width of Driveway at Entrance onto a Public Street, at the edge of the cartway*	One-Way Use*	Two-Way Use*
Minimum	12 feet	22 feet
Maximum	20 feet	30 feet

* This standard may be revised where the State Department of Transportation requires a different standard for an entrance to a State Road, or where the applicant demonstrates to the Zoning Officer that a wider width is needed for truck access.

2. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Township may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

E. Paving, Grading and Drainage

1. Parking and loading facilities, including driveways, shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except one and two-family Dwellings and landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the Township.
 - a. However, by Special Exception, the Zoning Hearing Board may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Board may allow parking spaces to be grass, while major aisles are covered by stone.
 - b. If the design and material are found acceptable by the Township Engineer, portions of parking areas may be covered with a low-dust porous parking surface that is designed to promote groundwater recharge. This might include porous

asphalt or pervious concrete placed over open graded gravel and crushed stone. (Note: Standards are available in the Pennsylvania Best Management Practices Manual of the Department of Environmental Protection.) Porous parking surfaces shall not be allowed in areas routinely used by heavy trucks.

F. Parking for Persons with Disabilities/Handicapped Parking

1. Number of Spaces: Any Lot including 4 or more off-street Parking Spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a different number of spaces is officially required under the Federal Americans With Disabilities Act:

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./PERCENT OF HANDICAPPED PARKING SPACES
4 to 15	1
16 to 40	2
41 to 65	3
66 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

2. Location: Handicapped Parking Spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size: Each required handicapped Parking Space shall be eight (8) by eighteen (18) feet. In addition, each space shall be adjacent to a five (5) feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, one (1) out of every eight (8) required handicapped parking spaces shall have an adjacent access aisle of eight (8) feet width instead of five (5) feet.
4. Slope: Handicapped Parking Spaces shall be located in areas of less than two (2) percent slope in any direction.

5. Marking: All required handicapped spaces shall be well-marked by clearly visible signs and by pavement markings. Such signs and markings shall be maintained over time. Blue paint is recommended. The amount of the fine for violations shall be noted on signs that are visible to persons parking in the space.
6. Paving: Handicapped Parking Spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

G. Landscaping

1. Intent: To ensure that parked or moving vehicles within a Lot do not obstruct sight distance or interfere with pedestrian traffic, to provide shade, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Except within the IC District, any new or expanded paved area serving a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of ten (10) feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of a sidewalk. This ten (10) foot width shall be increased to twenty (20) feet for a lot including one hundred (100) or more parking spaces.
3. The interior of parking lots containing ten (10) or more Parking Spaces shall be planted with a minimum of one (1) tree for every eight (8) parking spaces. Each tree shall be surrounded by a planting island consisting of no less than one hundred (100) square feet of unpaved surface. Planting islands shall be bounded by a concrete curb having a minimum height of six (6) inches. Choice of plant materials, location and frequency of tree planting shall be flexible. All plants shall be properly maintained, with replacement of dead plants each spring and fall.
4. Parking lot layout shall take into consideration pedestrian movement and safety. Crosswalks and separate pedestrian walkways shall be provided in parking lots with over one hundred (100) spaces.

SECTION 904 OFF-STREET LOADING

- A. Each use shall provide off-street loading facilities that meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.
- B. At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and Board of Supervisors may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

SECTION 905 FIRE LANES AND ACCESS

- A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.
- B. Access shall also be provided so that fire equipment can reach all sides of principal non-residential buildings and multi-family/apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.
- C. The specific locations of fire lanes and fire equipment access are subject to approval by the Township, after review by local Fire Officials.

**ARTICLE X
ADOPTION AND EFFECTIVE DATE**

This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

Enacted and ordained by the Board of Supervisors of Warriors Mark Township, Huntingdon County, Pennsylvania, this 5th day of January, 2015.

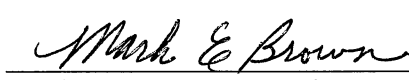
WARRIORS MARK TOWNSHIP BOARD OF SUPERVISORS



L. Stewart Neff, Chair



Rodney L. Marshall, Vice Chair



Mark E. Brown, Supervisor

ATTEST:



Julie Brenneman, Secretary