

**THE WALKER TOWNSHIP
ZONING ORDINANCE**

March 2006

**Prepared by the
WALKER TOWNSHIP PLANNING COMMISSION**

Assisted by

**GCCA
Grove City, Pennsylvania**

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ARTICLE 1 PURPOSE AND AUTHORITY

Section 101 Title

This Ordinance shall be known and may be cited as the Walker Township Zoning Ordinance. The accompanying district map shall be known, and may be cited, as the Walker Township Zoning Map.

Section 102 Authority

In accordance with the authority granted to Walker Township through the Pennsylvania Municipalities Planning Code (Act 247, as reenacted and amended), this Ordinance and Map are intended to:

- Implement the Walker Township Comprehensive Plan of 2002;
- Determine and regulate the uses of land and water course;
- Regulate the density of population and intensity of use;
- Regulate the location and use of buildings, structures and land;
- Regulate the size, height, bulk, erection, construction, alteration, number of stories, size and placement of buildings and structures;
- Divide the Township into districts of size, shape and area, and to establish such Zoning Map, as may be deemed best suited to carry out the regulations;
- Establish procedures for the administration, enforcement, amendment and relief from hardships under certain circumstances; and
- Protect and preserve the natural and historic resources and prime agricultural land and activities.

Section 103 Purpose

These regulations are necessary in order to encourage beneficial growth in the Township while keeping the density of development consistent with existing community facilities and the ability to develop new facilities needed. These regulations are expected to:

- Promote the public health, safety, morals and general welfare;

- Conserve and stabilize property values through encouragement of the most appropriate uses of land in relation to adjacent properties, with consideration given to the physical characteristics of the property, and its value, as well;
- Secure safety from fire, flood, panic and other dangers by providing for adequate open spaces for light, air and amenity, and by promoting emergency preparedness and operations;
- Preserve steep slopes, forest lands, agricultural lands, historic resources, floodplains and recreation areas in their natural state, or from conflict with urban development;
- Prevent the overcrowding or improper development of land, incompatible uses of land and/or blighting conditions;
- Facilitate the economic provision of safe, adequate and reliable transportation, water supply, sewage disposal, public schools, parks and other public requirements; and
- Avoid congestion in travel and transportation, and maintain and improve the carrying capacity and safety of major roads.

As well as other appropriate purposes as are enumerated by Article VI of the Pennsylvania Municipalities Planning Code and this Ordinance.

Section 104 Compliance

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

Section 105 Schedule of Fees

The Township shall, from time to time, establish, by resolution, a schedule of fees, charges and expenses for permits, appeals and all other matters pertaining to this Ordinance.

No permit, certificate, application or variance shall be issued, nor shall any action be take on proceedings before the Zoning Hearing Board unless, or until, such costs, charges, fees or expenses have been paid.

A zoning certificate of permit shall be required for all new construction, additions or alterations affecting exterior dimensions of existing structures; and, for any structural or interior changes required for a change of the structure's use, for signs (except as noted) or for any change in use.

Section 106 Interpretation of Regulations

Whenever the provisions of this Ordinance are at variance with provisions in other parts of this Ordinance or with any other lawfully adopted rules, regulations or ordinances, the more restrictive requirements shall govern.

Section 107 Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.

Section 108 Repeal

Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict. In particular, Ordinance No. 90-1 of 1989 is hereby repealed in its entirety.

ARTICLE 2
COMMUNITY DEVELOPMENT OBJECTIVES

The Community Development Objectives of this Ordinance are enumerated in detail by the Walker Township Comprehensive Plan. These can be generalized as follows:

- **Objective 1:** To sustain a quality, rural way of life.
- **Objective 2:** To encourage new, moderately intensive, development in those areas which are now served by community water and sewer facilities or where such facilities can be reasonably extended for only a modest cost.
- **Objective 3:** To support family farms in the Township while still allowing farmers self- determination.
- **Objective 4:** To support transportation improvements consistent with community land use policies.
- **Objective 5:** To modify existing land use controls of the Township to reflect the Walker Township Comprehensive Plan.
- **Objective 6:** To encourage local land use patterns to provide for needed local services such as local retail and health care facilities.

**ARTICLE 3
DISTRICT DESCRIPTIONS**

Section 301 Zoning Map and Application

- A. A map entitled the Walker Township Zoning Map is hereby adopted as part of this chapter. The official Zoning Map shall be kept on file and available for examination at the offices of Walker Township.
- B. District Boundaries: District boundaries that are shown between the lines of streets, streams and transportation rights-of-way shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the Zoning Map or by the fact that it clearly coincides with a property line, he shall refuse action. The Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this Ordinance.
- C. Zoning District Changes: All approved changes to zoning districts shall be promptly recorded on the Zoning Map by the Zoning Officer.
- D. Permitted Uses, Conditional Uses and Special Exceptions: The permitted uses, conditional uses and special exceptions for each district are shown in the following tables of this chapter and are considered principal uses unless clearly noted. Conditional uses may be granted or denied by the Board of Supervisors with the advice of the Walker Township Planning Commission in accordance with the express standards and criteria of this Ordinance. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions as they may deem necessary to implement the purposes of this Ordinance and safeguard the neighborhood. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a special exception, the Zoning Hearing Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and protect the neighborhood.
- Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Article 6.
- E. Forestry: The practice of forestry, including timber harvesting, is declared as a permitted use in all districts. Except in the A-1 Conservation and I-Industrial Districts, this use will be subject to the following conditions:
- Any timber harvesting shall present an approved erosion and sediment control plan prior to the issuance of a zoning permit.

- All tree harvesting practices must protect nearby structures and utility lines. No uncontrolled felling shall be allowed in developed areas.
- In “R” Districts and the V District, to avoid traffic congestion and sound disturbance, all activities must start after 7:00 a.m. and end by 7:00 p.m.

Section 302 The A-1 Conservation District

The purpose of this district is to accommodate limited residential development, in areas which cannot be reasonably serviced by community water and/or sanitary sewer facilities and where the underground water supply or the soil conditions for on-site waste disposal are inadequate to accommodate a higher density; to preserve the agricultural base of the Township; to allow limited development of sensitive areas such as floodplains, wetlands, and steep slopes; and to conserve the rural, scenic, and wilderness resources of the Township.

A-1 Conservation District	
<u>Permitted Uses</u>	<u>Conditional Uses</u>
Agricultural	Cemeteries (401.14)
Single-Family Dwelling (including cottages)	Farm Equipment Sales and Service (401.30)
Churches	Feed Mills (401.25)
Day Care, Family and Group (401.20)	Fire Stations (401.2)
Driving Ranges (401.11)	Schools (401.1)
Forestry (301.E)	Campgrounds (401.13)
Game Lands	Mobile Home Parks (401.6)
Golf Courses	Communication Towers and Antenna (401.4)
Hunting Preserves, Private	Television Sending and Receiving Towers
No Impact Home-Based Businesses	Saw Mills (401.22)
Nurseries and Greenhouses	Junk Yards (401.26)
Public Recreation (401.1)	Extractive Industries (401.19)
Stables and Riding Academies	Airports (401.17)
Essential Services	Ultra-Light Airports (401.18)
Accessory Uses and Structures	Home Occupations (401.28)
	Landfills (401.43)
	<u>Special Exceptions</u>
	Public Utility Substations (401.3)
	Kennels (401.24)
	Veterinarian Offices (401.24)

TABLE 302
CONSERVATION "A-1" DISTRICT
LOT, YARD, AND HEIGHT REQUIREMENTS

	Single-Family Dwellings	All Other Uses
Minimum Lot Area*	2 Acres	<i>2 Acres</i>
Minimum Lot Width	200 Feet	200 Feet
Minimum Front Yard	50 Feet	50 Feet
Minimum Side Yard	30 Feet	30 Feet
Minimum Rear Yard	50 Feet	50 Feet
Maximum Height	35 Feet	45 Feet
Maximum Lot Coverage	5%	5%
Accessory Structures and Uses		
Side Yard	5 Feet	5 Feet
Rear Yard	10 Feet	10 Feet
*All uses with on-lot sewage must be approved by the Sewage Enforcement Officer and applicant must provide evidence of that approval.		

Section 303 Residential Suburban “R-S” District: Statement of Intent: This district is primarily intended for residential use at a low-to-medium density with or without utilities.

<u>R-S Residential Suburban District</u>	
<u>Permitted Uses</u>	<u>Conditional Uses</u>
Single-Family Dwellings	Schools (401.1)
Churches	Driving Ranges (401.11)
Forestry (301.E)	Golf Courses (401.11)
No Impact Home-Based Businesses	Day Care, Family and Group (401.20)
Public Recreation (401.1)	Fire Stations (401.2)
Two-Family Dwellings	Extractive Industries (401.19)
Essential Services	Agriculture (401.35)
Accessory Uses and Structures	Police Facilities (401.36)
	Public Offices (401.36)
	Bed and Breakfast (401.15)
	<u>Special Exceptions</u>
	Public Utility Substations (401.3)
	Home Occupations (401.28)

**TABLE 303
RESIDENTIAL SUBURBAN “R-S” DISTRICT
LOT, YARD, AND HEIGHT STANDARDS**

	With Public Sewer	On-Lot Sewer
Minimum Lot Area* ⁽¹⁾	15,000 Square Feet	1 Acre
Minimum Lot Width	100 Feet	150 Feet
Minimum Front Yard	35 Feet	50 Feet
Minimum Side Yard	15 Feet	25 Feet
Minimum Rear Yard	40 Feet	50 Feet
Maximum Height	35 Feet	35 Feet
Maximum Lot Coverage	20%	10%
Accessory Structures and Uses Side Yard Rear Yard	5 Feet 10 Feet	5 Feet 10 Feet
<p>*All uses with on-lot sewage must be approved by the Sewage Enforcement Officer and provide evidence of that approval.</p> <p>⁽¹⁾Two-family dwellings must be served with public sewer and water and shall provide a lot of twenty-five thousand (25,000) square feet.</p>		

Section 304 R-U Residential Urban District: The R-U Residential Urban District is established to provide for the continuation of a quality residential environment where dwellings at various densities and compatible institutions can thrive.

<u>R-U Residential Urban District</u>	
<u>Permitted Uses</u>	<u>Conditional Uses</u>
Single-Family Dwellings	Schools (401.1)
Two-Family Dwellings	Fire Stations (401.2)
Churches	Day Care, Family and Group (401.20)
Forestry (301.E)	Multi-Family Dwellings (401.5)
Public Recreation (401.1)	Bed and Breakfast (401.15)
No Impact Home-Based Businesses	Personal Care Homes (401.29)
Essential Services	Boarding/Rooming Homes (401.16)
Accessory Uses and Structures	Public Offices (401.36)
	<u>Special Exceptions</u>
	Public Utility Substations (401.3)
	Home Occupations (401.28)

TABLE 304
R-U RESIDENTIAL URBAN DISTRICT
LOT, YARD, AND HEIGHT REQUIREMENTS

	With Public Sewer	On-Lot Sewer
Minimum Lot Area ^{*(1)}	7,500 Square Feet	1 Acre
Minimum Lot Width	75 Feet	100 Feet
Minimum Front Yard	35 Feet	35 Feet
Minimum Side Yard	10 Feet	15 Feet
Minimum Rear Yard	40 Feet	50 Feet
Maximum Height	35 Feet	35 Feet
Maximum Lot Coverage	35%	20%
Accessory Structures and Uses		
Side Yard	5 Feet	5 Feet
Rear Yard	10 Feet	10 Feet
<p>*All uses with on-lot sewage must be approved by the Sewage Enforcement Officer and provide evidence of that approval.</p> <p>⁽¹⁾For single-family dwellings</p> <p>Two-family dwellings and multi-family dwellings with public sewers shall provide a lot of ten thousand (10,000) square feet plus three thousand (3,000) square feet for every unit in excess of two. The minimum lot width shall be one hundred (100) feet. Multiple-family dwellings with on-lot sewage disposal shall be 1.5 acres plus five thousand (5,000) square feet for every dwelling unit in excess of two. Minimum lot width shall be one hundred fifty (150) feet.</p>		

Section 305 V-Village District: The V-Village District is established to provide for the continuation of a historic pattern of low impact mixed uses, where dwellings at various densities and compatible institutions or small businesses can thrive.

<u>V-Village District</u>	
<u>Permitted Uses</u>	<u>Conditional Uses</u>
Single-Family Dwellings	Boarding/Rooming Homes (401.16)
Two-Family Dwellings	Car Washes (401.44)
Banks	Convenience Stores (401.34)
Bed and Breakfast (401.15)	Day Care Centers (401.20)
Churches (401.1)	Community Residential Facility (401.42)
Forestry (301.E)	Funeral Homes (401.8)
Family Day Care Homes (401.20)	Gasoline Service Stations (401.9)
Group Day Care Homes (401.20)	Multiple-Family Dwellings (401.5)
Home Occupations (401.28)	Personal Care Homes (401.29)
Limited Retail Business	Restaurants (401.23)
No Impact Home-Based Businesses	Nursing Homes (401.12)
Personal Services	Medical, Dental and Professional Offices (401.36)
Public Recreation (401.1)	Schools (401.1)
Residence Above Business Use (401.38)	Public Offices (401.36)
Accessory Uses and Structures	
Essential Services	<u>Special Exceptions</u>
	Public Utility Substations (401.3)

**TABLE 305
V-VILLAGE DISTRICT
LOT, YARD, AND HEIGHT REQUIREMENTS**

	With Sewer*
Minimum Lot Area**	12,000 Square Feet
Minimum Lot Width	85 Feet
Minimum Front Yard	20 Feet
Minimum Side Yard	5 Feet
Minimum Rear Yard	20 Feet
Maximum Height	35 Feet
Maximum Lot Coverage	35%
Accessory Uses and Structures	
Side Yard	5 Feet
Rear Yard	10 Feet
<p>*All uses in the Village District must be served by public sewers.</p> <p>**For single-family dwellings</p> <p>Two-family and multiple-family dwellings with public sewers shall provide a lot of ten thousand (10,000) square feet plus three thousand (3,000) square feet for every unit. The minimum lot width shall be one hundred twenty-five (125) feet.</p>	

Section 306 RPO - Residential Professional Office: The RPO District is designed to accommodate all types of residential uses as well as compatible non-retail, commercial uses, primarily for offices and public functions.

<u>RPO - Residential Professional Office</u>	
<u>Permitted Uses</u>	<u>Conditional Uses</u>
Single-Family Dwellings	Schools (401.1)
Two-Family Dwellings	Fire Stations (401.2)
Churches	Day Care, All Types (401.20)
Forestry (301.E)	Multiple-Family Dwellings (401.5)
No Impact Home-Based Occupations	Bed and Breakfast (401.15)
Essential Services	Nursing Homes (401.12)
Accessory Uses and Structures	Personal Care Homes (401.29)
Banks (401.45)	Public and Professional Offices (401.36)
	Police Facilities (401.36)
	<u>Special Exceptions</u>
	Public Utility Substations (401.3)
	Home Occupations (401.28)

TABLE 306
RPO - RESIDENTIAL OFFICE PROFESSIONAL DISTRICT
LOT, YARD, AND HEIGHT REQUIREMENTS

	With Sewer	On-Lot Sewer*
Minimum Lot Area**	12,000 Square Feet	1 Acre
Minimum Lot Width	85 Feet	100 Feet
Minimum Front Yard	35 Feet	35 Feet
Minimum Side Yard	10 Feet	15 Feet
Minimum Rear Yard	40 Feet	50 Feet
Maximum Height	35 Feet	35 Feet
Maximum Lot Coverage	35%	20%
Accessory Uses and Structures		
Side Yard	5 Feet	5 Feet
Rear Yard	10 Feet	10 Feet
<p>*All uses with on-lot sewage must be approved by the Sewage Enforcement Officer and provide evidence of that approval.</p> <p>**For single-family dwellings</p> <p>Two-family and multiple-family dwellings with public sewers shall provide a lot of ten thousand (10,000) square feet plus three thousand (3,000) square feet for every unit. The minimum lot width shall be one hundred twenty-five (125) feet. Multiple-family dwellings with on-lot sewage disposal shall be 1.5 acres plus five thousand (5,000) square feet for every dwelling unit in excess of two. Minimum lot width shall be one hundred fifty (150) feet.</p>		

Section 307 Limited Business “BL” District: These districts are for existing and future retail business activity occurring in transitional areas, along major local roads and streets.

<u>BL Limited Business District</u>	
<u>Permitted Uses</u>	<u>Conditional Uses</u>
Accessory Uses and Structures	Car Washes (401.44)
Banks	Convenience Stores (401.34)
Business Offices	Drive-In/Through Restaurants (401.31)
Churches	Fire Stations (401.2)
Day Care Facilities, All Types (401.20)	Funeral Homes (401.8)
Essential Services	Golf Courses (401.11)
Forestry	Hospitals (401.12)
Home Occupations (401.28)	Kennels and Pet Shops (401.24)
Libraries	Nursing Homes (401.12)
Limited Retail Business	Self-Storage Facilities (401.32)
Medical, Dental and Professional Offices	Veterinary Establishments (401.24)
No Impact Home-Based Occupations	Multiple-Family Dwellings (401.5)
Personal and Professional Services	
Public Parks and Playgrounds	<u>Special Exceptions</u>
Restaurants, Except Drive-In/Through (401.23.D)	Public Utility Substations (401.3)

**TABLE 307
B-L LIMITED BUSINESS DISTRICT
LOT, YARD, AND HEIGHT REQUIREMENTS**

	All Uses¹
Minimum Lot Area*	7,500 Square Feet
Minimum Lot Width	75 Feet
Minimum Front Yard	10 Feet
Minimum Side Yard	10 Feet**
Minimum Rear Yard	20 Feet
Maximum Height	30 Feet
Maximum Lot Coverage	50%
Accessory Uses and Structures	
Side Yard	5 Feet
Rear Yard	10 Feet
<p>*All residential uses shall comply with the lot, yard, and height requirements of the R-U District.</p> <p>**If abutting an “R” District, a twenty- (20) foot side yard is required, or if using on-lot sewage.</p> <p>¹All uses with on-lot sewage must be approved by the Sewage Enforcement Officer and provide evidence of that approval. Lots shall be at least one (1) acre in size.</p>	

Section 308 General Business “B-G” District: These districts are designed for centrally located retail and business areas.

<u>B-G General Business District</u>	
<u>Permitted Uses</u>	<u>Conditional Uses</u>
Accessory Uses and Structures	Auto Body Shops (401.27)
Auto Service Sales and Body Shops	Car Washes (401.44)
Banks	Convenience Stores (401.34)
Bed and Breakfast (401.15)	Day Care Centers (401.20)
Business Offices	Drive-In/Through Restaurants (401.31)
Churches	Fire Stations (401.2)
Commercial Garages (401.27)	Golf Courses (401.11)
Essential Services	Hospitals (401.12)
Forestry (301.E)	Municipal and Public Utility Storage Yards and Repair Facilities (401.10)
Funeral Homes (401.8)	Nursing Homes (401.12)
Home Occupations (401.28)	Outdoor Commercial Amusement (401.7)
Hotels and Motels	Kennels and Pet Stores (401.34)
Libraries	Radio and Television Facilities (401.21)
Lumber Yards	Residence Above Business Use (401.38)
Medical, Dental and Professional Offices	Gasoline Service Stations (401.9)
Municipal Buildings	Shopping Centers (401.39)
No Impact Home-Based Occupations	Self-Storage Facilities (401.32)
Offices	Veterinary Offices (401.24)
Parks and Playgrounds	Correction/Treatment Facilities (401.42)
Restaurants	
Retail Sales and Services	<u>Special Exceptions</u>
Service Businesses	Public Utility Substations (401.3)
Theaters (Indoor)	Schools (401.1)
	Outdoor (Drive-In) Theaters (401.7)

TABLE 308

**B-G GENERAL BUSINESS DISTRICT
LOT, YARD AND HEIGHT REQUIREMENTS**

	All Uses
Minimum Lot Area*	20,000 Square Feet, 1 Acre with On-Lot Sewage ¹
Minimum Lot Width	100 Feet
Minimum Front Yard	35 Feet
Minimum Side Yard	20 Feet
Minimum Rear Yard	40 Feet
Maximum Height	30 Feet
Maximum Lot Coverage	40%
Accessory Uses and Structures	
Side Yard	5 Feet
Rear Yard	10 Feet
<p>*All residential uses shall comply with the lot, yard and height requirements of the R-U District.</p> <p>¹All uses with on-lot sewage must be approved by the Sewage Enforcement Officer and provide evidence of that approval.</p>	

Section 309 I -Industrial District

I - Industrial District	
<u>Permitted Uses</u>	<u>Conditional Uses</u>
Wholesale Business	Agriculture (401.35)
Communication Antenna (401.4)	Communication Towers (401.4)
Lumber and Contractor Yards	Heavy Manufacturing (401.40)
Forestry (301.E)	Junk Yards (401.26)
Light Manufacturing	Transfer Stations (401.37)
Offices	Warehouse and Truck Terminals (401.41)
Saw Mills	Recycling Facilities (401.37)
Power Generation	Bulk Fuel Storage (401.41)
Rental Service and Equipment	Mineral Extraction (401.19)
Public Utility Substations	
Self-Store Facilities	<u>Special Exceptions</u>
Essential Services	Landfills (401.43)
Accessory Uses and Structures	

TABLE 309
I - INDUSTRIAL DISTRICT
LOT, YARD AND HEIGHT REGULATIONS

	All Uses
Minimum Lot Area*	2 Acres
Minimum Lot Width	250 Feet
Minimum Front Yard	50 Feet
Minimum Side Yard	20 Feet
Minimum Rear Yard	30 Feet
Maximum Height	35 Feet
Maximum Lot Coverage	35 Feet
Accessory Uses and Structures	
Side Yard	5 Feet
Rear Yard	10 Feet
*All uses with on-lot sewage must be approved by the Sewage Enforcement Officer and provide evidence of that approval.	

Section 310 Single-Family Dwellings: In districts permitting single-family residences, not more than one such single-family residence may occupy any one lot unless authorized by the Zoning Hearing Board. Under no circumstances may the Board authorize more than one dwelling if the overall density permitted in that particular district is exceeded. Dwellings which are placed alongside one another shall be spaced so that the distance between structures shall be double the required side yard in that particular district. In no event shall one structure be located behind the other on any one lot. All structures must have immediate access to a street right-of-way.

ARTICLE 4
CONDITIONAL USES, SPECIAL EXCEPTIONS AND OTHER CONDITIONS

Section 401 Conditional Uses, Special Exceptions and Other Conditions:

The criteria for conditional uses and special exceptions follow. The Board of Supervisors or the Zoning Hearing Board (as the case may be), in granting conditional uses and special exceptions, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a conditional use or a special exception, the Board of Supervisors or the Zoning Hearing Board (as the case may be) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

Also included in Section 401 are other conditions. These entail additional criteria that permitted uses must meet before the Zoning Officer can issue a permit. The Zoning Officer must interpret these criteria in their literal terms and does not have the authority to modify or waive same, nor can the Zoning Officer impose any conditions in granting a permit.

Applications for conditional uses and special exceptions shall be made to the Zoning Officer. Conditional uses shall be granted or denied by the Board of Supervisors after receiving the recommendation of the Walker Township Planning Commission. Special exceptions shall be granted or denied by the Zoning Hearing Board. Procedures for both shall follow those specified in this Ordinance (see Section 403) and the Pennsylvania Municipalities Planning Code.

401.1 Colleges, Schools, Parks and Playgrounds, subject to the following express standards and criteria:

- A. All side and rear property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least six (6) feet in depth measured from the property line.
- B. Facilities shall demonstrate that they have the needed license or appropriate accreditation to operate the proposed facility.
- C. All lights shall be shielded and reflected away from adjoining property (see Section 512).
- D. Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- E. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.2 Fire Stations:

- A. All side and rear property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least six (6) feet in depth measured from the property line.
- B. All lights shall be shielded and reflected away from adjoining property (see Section 512).
- C. The entrance and exit for the facility shall be so designed as to allow adequate sight distances and generally ensure a safe entrance onto public roads.
- D. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507. There shall be adequate space in front of the fire station so trucks and equipment may be backed into their parking bays without using public streets.

401.3 Utility Substations shall be subject to the following express standards and criteria:

- A. No storage of movable equipment or material shall be permitted outside a building.
- B. Uses involving equipment which is not enclosed by a building shall be secured by a fence at least eight (8) feet in height with self-latching gate.
- C. Substations shall not be used for offices, garages, power generation, repair or large-scale storage.
- D. Substations may be allowed to use lots which are smaller than those required by this Ordinance (see also Subdivision Ordinance).

401.4 Communication Towers/Antennas: Communication towers and antennas along with ancillary equipment will be allowed as a permitted use or conditional use, subject to the following regulations:

- A. Antennas mounted on an existing public utility tower, existing building or other existing structure shall be treated as a permitted or conditional use (depending upon the zoning ordinance) subject to the conditions of Section B below. Separate standalone towers constructed new shall always be treated as a conditional use and referred to the Planning Commission for review and comment prior to approval or denial of the Board of Supervisors subject to the criteria found under Section C below.
- B. Regulations Governing Communications Antennas and Communications Equipment Buildings: Building-mounted communications antennas shall not be located on any single-family dwelling or two-family dwelling.

Building-mounted communications antenna shall not exceed the height limitations of the zoning district by more than twenty (20) feet.

Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.

A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

Any applicant proposing communications antennas to be mounted on a building or other structure shall submit documentation from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

Any applicant proposing communications antennas mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure to be reviewed for compliance with the Township's Building Code.

Building Code and Other Applicable Law

Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Communications antennas shall not cause radio frequency interference with other communications facilities located in the Township.

A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

- C. Standards for Communications Towers as Conditional Uses: The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable Airport Zoning Regulations.

Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one quarter (1/4) mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

- A. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
- B. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
- C. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
- D. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- E. A commercially reasonable agreement could not be reached with the owners of such structures.

Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.

A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot which meets the minimum lot size requirements for the zoning district.

Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.

The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

The maximum height of any communications tower shall be one hundred eighty (180) feet.

The foundation and base of any communications tower shall be set back from a property line (not lease line) located in any residential district at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.

The base of a communications tower shall be landscaped so as to screen the foundation, base and communications equipment building from abutting properties.

The communications equipment building shall comply with the required yard and height requirements of the applicable zoning district for an accessory structure.

The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Associations and applicable requirements of the Township's Building Code.

The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars per occurrence and property damage coverage in the minimum amount of one million dollars per occurrence covering the communications tower and communications antennae.

All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.

No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

Communications towers shall be protected and maintained in accordance with the requirements of the Township's Building Code.

If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.

One (1) off-street parking space shall be provided within the fenced area.

It is the general policy of Walker Township to allow communications towers to be clustered at a single location when feasible. To the extent possible, the Township shall work with developers to accommodate such clusters.

401.5 Multiple-Family Dwellings of three (3) or more units shall be subject to the following express standards and criteria:

- A. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line. All parking areas shall be screened by this buffer area.
- B. The site must be serviced by public water and sewer, or DEP-approved private water and sewage systems.
- C. Interior streets, parking areas, driveways and walkways shall be lighted. Lighting shall be shielded and directed away from adjacent properties and roads (see Section 512).

401.6 Mobile Home Parks shall:

- A. Meet the requirements for mobile homes or manufactured homes as set forth by the appendix of the Walker Township Subdivision and Land Development Ordinance of October 4, 1993.
- B. Shall have a lot area of at least ten (10) acres.

- C. Shall connect to public sewer and water facilities.
- D. There shall be at least fifty (50) feet between individual mobile homes.
- E. If not on a permanent foundation, each mobile home shall be skirted with an enclosure of compatible design and material. Such skirting shall provide adequate ventilation to inhibit formation of moisture and decay.

401.7 Outdoor Theaters and Outdoor Commercial Amusements are subject to the following express standards and criteria:

- A. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line. Facilities which host paint ball games, contests or exercises shall provide a fifty (50) foot buffer area.
- B. Fencing at least six (6) feet in height shall be provided along all property lines adjoining residential uses or zoning classifications.
- C. No outdoor speakers shall be permitted, if the property adjoins residential uses. The volume of permitted in-vehicle radio speakers shall be modulated and controlled so as to not create a nuisance for adjacent properties.
- D. All lighting shall be shielded away from adjacent properties and streets (see Section 512).

401.8 Funeral Homes: Funeral homes shall meet the following criteria:

- A. A minimum of twenty (20) paved, on-lot parking spaces shall be provided, with an additional five (5) spaces for each additional viewing parlor after the first two (2).
- B. The driveway system shall be arranged so the hearse and funeral cortege formation will be made on the lot and not on a public street.

401.9 Gasoline Service Stations, subject to the following express standards and criteria:

- A. Hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building.
- B. Gasoline pumps shall be located no closer than thirty (30) feet to any property line.

- C. No building, stand, oil rack or other apparatus, other than that which is necessary for quick service to an automobile, shall be located within thirty (30) feet of any street line.
- D. Canopies over gasoline pumps shall not be located closer than twenty (20) feet to any property line or street right-of-way line.
- E. There shall be no storage of any wrecked or dismantled vehicle outside a building for longer than one (1) week.
- F. In addition to parking spaces required by Section 507 of this Ordinance, adequate vehicle maneuvering areas shall be provided outside the building which shall have an all-weather surface.

401.10 Municipal and Public Utility, Storage Yards and Repair Shops are subject to the following standards and criteria:

- A. The storage of movable equipment or material shall be permitted outside a building, but must be approved by the Board.
- B. Uses involving utility distribution equipment which is not enclosed by a building shall be secured by a fence at least eight (8) feet in height with self-latching gate.
- C. Uses involving utility distribution equipment which is not enclosed by a building shall be adequately screened by an eight- (8) foot compact evergreen planting area along all property lines adjacent to residential uses or zoning districts.

401.11 Golf Courses and Driving Ranges are subject to the following express standards and criteria:

- A. Golf courses shall have a minimum site of ten (10) acres; all other facilities shall have a minimum site of four (4) acres.
- B. Clubhouses shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning classification and at least fifty (50) feet from all other property lines.
- C. Clubhouses which are located within three hundred (300) feet of a residential use or zoning classification shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line.
- D. Where eating and/or drinking facilities are provided, parking requirements for restaurants shall apply in addition to the parking requirements for the primary use.

- E. Operation shall be discontinued between the hours of 2:00 a.m. and 6:00 a.m.
- F. No outdoor speakers shall be permitted if the property adjoins residential use. The volume of all other permitted outdoor speakers shall be modulated and controlled so as to not create a nuisance for adjacent properties.

401.12 Hospital and Nursing Homes, subject to the following express standards and criteria:

- A. The facility shall be licensed by the Commonwealth.
- B. The minimum site for a nursing home shall be one (1) acre; the minimum site for a hospital shall be five (5) acres.
- C. The site shall be serviced by public water and sewer.
- D. Water volume and pressure shall be adequate for fire protection.
- E. Ingress, egress and internal circulation shall be designed to ensure safety and access by emergency vehicles and to minimize impacts on local roads. The parking and circulation plan shall be submitted to the local police and fire company for comments regarding traffic safety and emergency access.
- F. Outdoor lighting shall be shielded away from adjacent properties (see Section 512).
- G. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least fifteen (15) feet in depth measured from the property line.

~~**401.13 Campgrounds** are subject to the following conditions:~~

- ~~A. Minimum lot size, five (5) acres.~~
- ~~B. Water supplies and sanitary sewage disposal must be approved by the Department of Environmental Protection and, if appropriate, the Walker Township Sewage Enforcement Officer.~~
- ~~C. There shall be a buffer of at least fifty (50) feet along the side and rear yards.~~

401.13 – Recreational Vehicle and Recreational Camp Park Regulations:

For the purpose of this Article, recreation vehicles and recreational vehicle parks shall be defined as follows: (Ordinance Amendment, 7-11-11)

- A. Recreational Vehicles (RVs): A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel uses, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.
- B. Recreational Vehicle or Recreational Camp Park: A plot of land upon which two (2) or more recreational sites are located, established or maintained for occupancy by recreational vehicles or tents of the general public as temporary living quarters for recreation or vacation purposes. No campground shall have an area of less than ten (10) acres. Single lot campgrounds are permitted under Section 401.143.
- C. The standards set forth under this section are intended for those recreational vehicle parks/camps where lots within the park are for rental or lease and are to serve short-term use. Parks/camps are not intended for year-round use. Parks/camps shall be closed from December 15 through April 15 of each year.

401.131 – Permits: In addition to the rules and regulations provided herein, the developer shall submit any needed permits or approvals from Huntingdon County and/or State agencies. In particular, compliance with drinking water and sanitary sewage facilities and solid waste disposal regulations shall be required. At a minimum, campgrounds shall provide: back-in parking, central sanitary dump stations, central water facilities, toilets and shower facilities.

401.132 – Plan Requirements: Persons, firms or corporations proposing to open a recreational vehicle park in the Township shall not proceed with any construction work on the proposed park unless and until they have obtained from the Township written approval of the preliminary plan of the proposed park, according to the following procedures:

- A. Pre-Application Procedure: The recreational vehicle park developer should meet with the Township staff, prior to formal application, to discuss his plans and shall prepare a suitable sketch and plans sufficient to give a general understanding of the proposal. The Township can inform the developer as to the general suitability of the plans and of any modifications required by this Ordinance, if deemed advisable.
- B. Preliminary Plan: The developer shall then prepare and submit a preliminary plan, together with improvement plans and other supplementary materials, as required.
 - 1. Where a recreational vehicle or recreational camp park is proposed for construction in a series of stages, a preliminary plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.

2. *Preliminary plans as required, shall comply in form and content as follows, insofar as applicable and the standards set forth herein.*

401.133 – Plan Preparation Requirements: *All applications shall contain the following:*

A. *Name, mailing address, legal address and telephone number of applicant*

1. *Interest of the applicant in the proposed park.*
2. *Location, address and legal description of the entire proposed park site.*
3. *Complete engineering plans and specifications of the proposed park showing:*
 - a. *The area and dimensions of the entire tract of land.*
 - b. *The land uses occupying the adjacent properties.*
 - c. *The number, size and location of the proposed vehicle sites and other parking areas.*
 - d. *The location, right of way and surfaced roadway width, roadway design and walkways.*
 - e. *The proposed interior vehicular and pedestrian circulation patterns.*
 - f. *The location of service buildings, sanitary stations and any other existing or proposed structures.*
 - g. *The location of water and sewer lines and riser pipes.*
 - h. *Plans and specifications of the water supply, sewage disposal and refuse facilities with requisite approvals.*
 - i. *Plans and specifications of all buildings constructed or to be constructed within the park.*
 - j. *The locations and details of area lighting, electric, natural or propane gas systems, cable television and telephone, as related to all applicable codes and sound engineering practice.*

4. *Soil Erosion and Sedimentation Control Plan: The owner shall submit to the Huntingdon County Conservation District a soil erosion and (March 2006) - Walker Township Zoning Ordinance - Page 34*

sedimentation control plan. Such plan shall be prepared by a registered Pennsylvania professional engineer and shall be as per Conservation District guidelines as may be applicable. Such plan shall be approved prior to commencement of the site preparation and construction.

401.134 – Township Action: *The preliminary plan shall be processed as a major commercial land development (see Walker Township Development Permit Ordinance, Article II) and shall be submitted to both the Huntingdon County Planning Commission and the Walker Township Planning Commission before any construction is started.*

401.135 – Natural of Approval: *Approval of a preliminary plan by the Township shall not constitute approval of the final plan or of roads or other improvements therein but it is rather an expression of approval of layout submitted on the preliminary plan as a guide to the preparation of the final plan, which shall be submitted for approval to the Township upon fulfillment of the requirements herein.*

401.136 – Final Plan: *Upon completion of any conditions required by the Township and/or upon completed of required public improvements, the developer may apply for approval of the final plans.*

401.137 – Township Review: *The Township shall review the final plan in accordance with this Ordinance.*

401.138 – Design Requirements:

Lot Area Requirements: *The planning and location of individual recreational vehicle lots shall be governed by the following minimum requirements:*

- A. Lot Area: *Recreational lots shall be designated to accommodate a minimum width of thirty (30) feet and shall not be less than one thousand five hundred (1,500) square feet in total area, excluding rights-of-way. Such size is considered to accommodate parking for one (1) recreational vehicle or tent site, one (1) automobile parking space, and accessory structure and related outdoor facilities (grill, picnic tables, benches, etc.) No campground shall have an area of less than ten (10) acres. No less than twenty (20%) percent of the gross area of the park must be improved for recreational activity of the residents of the campgrounds.*
- B. Setback Requirements: *Front setback for recreational vehicles, tent sites, etc., units shall be twenty (20) feet along any internal road. Permanent structures, such as bathhouses, administration offices, recreation centers and other ancillary facilities shall be setback from public streets seventy-five (75) feet as measured from the centerline of the street or roadway, from interior streets twenty-five (25) feet.*

Side Setback 5-foot minimum to closet point

Rear Setback 5-foot minimum to closest point

- C. Perimeter Requirements: Any buffer areas, as required below, shall be landscaped with a selection of shrubs and evergreen trees. These shall be healthy nursery stock, and all trees shall be at least four (4) feet high at the time of planting and shall be planted no less than ten (10) feet apart.
1. When abutting residentially developed properties, a buffer strip with a minimum width of thirty-five (35) feet shall be provided parallel to the park property line. When abutting non-affiliated properties, the buffer strip shall be three hundred (300) feet from the park property line.
 2. When abutting an existing dedicated public right-of-way, the setback shall be twenty-five (25) feet from the existing right-of-way.
- D. Roadway Design Standards: Recreational park roads shall be designed for safe and convenient movement of recreational vehicles, minimizing disturbance of the natural environment. Traffic movement in and out of recreational developments and campgrounds shall not interfere with external traffic, nor shall they create hazards for adjacent residential areas. The internal street system shall be as follows:
1. Streets: Such streets shall serve as an internal street for the development and provide access to individual park lots, administration and ancillary facilities. Such streets shall be improved as outlined below:
 2. Internal Cartways:

One-Way	12 feet
Two-Way	20 feet
 3. The surfacing shall be crowned or sloped as indicated, and the final compacted depth shall comply with the depth shown on the drawings. Paved or gravel roads shall be acceptable, but must be mud free, and shall be constructed with at least four (4) inches of stone aggregate.
 4. Cul-De-Sac Streets: Shall be provided with a turnaround having an outside roadway diameter of at least one hundred (100) feet.
- E. Parking Spaces: The number of parking spaces and their size shall conform to the Township's Zoning Ordinance.
- F. Excavation and Grading: Streets shall be excavated and graded as indicated on the approved plans.

401.139 – Maintenance: *All developers shall present a plan for the continued maintenance and upkeep of this facility that must be approved by the Township.*

401.140 – Recording of Plan: *Upon approval of the plan, preliminary or final, the developer shall, within ninety (90) days, have it recorded in the Huntingdon County Office of the Recorder. Failure to record said plan within ninety (90) days of approval will result in said approval being deemed null and void and require the plan to be resubmitted and the plan to be reapproved.*

401.141 – Phasings: *These facilities are regarded as land developments and shall not be phased but developed as a whole.*

401.142 – Annual Report and Inspection: *An annual report shall be submitted by December 31 of each year indicating the number of sites available and utilized. This shall include seasonal rentals. If the campground rules have changed, a copy of the same shall be provided. Prior to April 15 of each year, the Township Zoning Officer shall inspect the premises to determine continuing compliance. The fee shall be established annually by the Supervisors with the initial amount being One Hundred and 00/100 (\$100.00) Dollars. Non-compliant campgrounds may not open without Township approval which shall not be unreasonably withheld.*

401.143 – Single Site Campgrounds: *Where a single lot is utilized for a single un-registered recreational vehicle as a permanent site, the requirement relating to mobile homes in Section 509 must be adhered to by the owner(s). As a minimum, the site must have a permitted holding tank and adequate water supply. A concrete slab may be utilized with proper tie downs to anchor the vehicle. The recreational vehicle must be skirted and closed in while it is tied to the pad area.*

401.14 Cemeteries are subject to the following standards and criteria:

- A. A minimum site of five (5) acres shall be required.
- B. A drainage plan shall be submitted with the application for approval to show existing and proposed runoff characteristics.
- C. Ingress, egress and internal circulation shall be designed to ensure safety and minimize impact on local roads.
- D. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line.

401.15 Bed and Breakfast: Such uses are intended to provide overnight or short-term [not more than two (2) weeks] accommodations for transient guest in a home-like atmosphere. They must meet the following regulations:

- A. All signs shall conform to this Ordinance.
- B. No more than five (5) guest rooms will be permitted.
- C. One (1) off-street parking space for each guest room shall be required. Parking shall be on-lot or may be provided within five hundred (500) feet of the facility.
- D. The only meal served shall be breakfast and that shall only be provided only to guests.
- E. The facility shall comply with State law regarding such facilities.
- F. They shall be owner-occupied.

401.16 Rooming/Boarding Homes:

- A. May not house more than four (4) roomers/boarders.
- B. Shall not adversely affect the character of the surrounding neighborhood.
- C. Shall provide off-street parking. (See Section 507.)

401.17 Airports: All classes of airports shall be allowed as a conditional use in the A-1 District. However, the Township will need to adopt airport zoning regulations. The developer shall:

- A. Provide the Township with all the technical data required by the appropriate airport zoning regulations as set forth by the Bureau of Aviation, Pennsylvania Department of Transportation.
- B. Be responsible for all reasonable fees and costs incidental to preparation and adoption of airport zoning provisions as an amendment to this Ordinance.

401.18 Ultralight Airports: These facilities are intended for private use only. This use must comply with the following criteria:

- A. All such airports must be at least three hundred (300) feet from any property line and at least five hundred (500) feet from any dwelling.
- B. The operator shall present evidence that the facility complies with appropriate State regulations and has secured a license from the Pennsylvania Department of Transportation, Bureau of Aviation.

401.19 Extractive Industries, Surface Mining, Sand and Gravel Pits:

- A. All such operations must obtain a zoning permit.
- B. All required State permits shall be presented before the zoning permit can be issued.
- C. If access to the mining/pit operation is by Township road, then the developer is required to obtain written clearance from the Township relative to the movement of equipment and trucks over the road. Such clearance must be presented prior to the issuance of a zoning permit.
- D. Operations shall be limited to the hours of 6:00 a.m. to 10:00 p.m, prevailing time.

401.20 Day Care Facilities, All Types: The purpose of this section is to set forth standards for the three types of day care covered by this Ordinance (see Definition section also).

- A. Family Day Care Homes
 - 1. Such operations must obtain any permit/certificates required by the State.
 - 2. Hours of operation shall not begin before 6:00 a.m. nor extend beyond 8:00 p.m. (prevailing time).
- B. Group Day Care Homes
 - 1. Such operations must obtain any permits/certificates required by the State.
 - 2. Hours of operation shall not begin before 6:00 a.m. nor extend beyond 8:00 p.m. (prevailing time).
 - 3. Outdoor play areas shall be effectively screened from nearby residential uses through fencing or screening.
 - 4. At least one (1) additional parking place shall be required.
 - 5. The operator shall demonstrate how children shall be dropped off and picked up considering their safety and the safety of other pedestrian and vehicular traffic in the area.
- C. Child Day Care Center
 - 1. Any outdoor play area shall be effectively screened from abutting properties.

2. For all new construction, and where feasible for existing structures, driveways shall be provided to deliver and pick up children off public streets. These facilities are intended for the safety of the children and the protection of the neighborhood. In any event, the developer shall demonstrate how pick up and delivery shall occur in a safe manner.
3. One (1) parking space for each employee shall be required (see also Section 507).
4. Such facilities must be licensed or registered (as appropriate) by the Pennsylvania Department of Public Welfare.

401.21 Radio, T.V. and/or Broadcasting Facilities, subject to the following express standards and criteria:

- A. Facilities involving telecommunications antennas or towers shall be subject to Section 401.4 of this Ordinance.
- B. All structures other than antennas or towers shall meet the minimum setbacks of the district in which they will be located.
- C. Off-street parking shall be provided in accordance with Section 507 of this Ordinance.
- D. Uses involving distribution equipment which is not enclosed by a building shall be secured by a fence at least eight (8) feet in height with self-latching gate.

401.22 Sawmills are subject to the following express standards and criteria:

- A. The use shall be subject to the Performance Standards of Section 506 of this Ordinance.
- B. All milling operations shall be located at least three hundred (300) feet from any existing dwelling on adjoining property and at least one hundred (100) feet from any property line.
- C. Routes to be used by hauling trucks shall be approved by the municipality. If bonding of the road is required by the municipality, proof of compliance is required.
- D. Milling operation shall be discontinued from 7:00 p.m. to 7:00 a.m.

401.23 Restaurants: In the Village District, restaurants will be allowed, subject to the following conditions:

- A. Outdoor lighting shall be directed away from adjacent structures (see Section 512).
- B. Drive-through facilities will not be permitted.
- C. Structures shall be limited to three thousand (3,000) square feet in size.
- D. Hours of operation, facilities will not open before 6:00 a.m., nor stay open after 11:00 p.m.

401.24 Dog Kennels, Pet Shops and/or Veterinary Establishments, subject to the following express standards and criteria:

- A. Dog kennels, other than those accessory to veterinary establishments, shall have lots of two (2) acres or more in size.
- B. The minimum lot area for veterinary establishments shall be forty thousand (40,000) square feet.
- C. Dog kennels shall be located at least one hundred (100) feet from any property line adjoining residential uses or zoning classifications and at least fifty (50) feet from any other property line.
- D. Dog kennels shall be completely within an enclosed building and shall be sound-proofed, if necessary, to reduce noise impacts on adjacent properties.
- E. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a buffer area as defined by this Ordinance which is at least six (6) feet in depth.

401.25 Feed Mills, Feed Storage and Distribution, subject to the following express standards and criteria:

- A. The use shall be subject to the Performance Standards of Section 506 of this Ordinance.
- B. All structures used for feed storage and distribution shall be located at least two hundred (200) feet from an existing residence on adjacent property.
- C. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line.

- D. All machinery, equipment and vehicles shall be stored within a completely enclosed building, or in the rear yard of the operation.
- E. On-site sales shall be permitted, provided that all sales are conducted within an enclosed building and off-street parking is provided based on the ratio of one (1) parking space for each three hundred (300) square feet of floor area devoted to sales.

401.26 Junk Yards, subject to the following express standards and criteria:

- A. The minimum site size shall be five (5) acres.
- B. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- C. No garbage or other organic waste shall be stored on the premises.
- D. The manner of storage of junk shall facilitate access for firefighting and shall prevent accumulation of stagnant water.
- E. Junk yards shall comply with the Performance Standards of Section 506.
- F. No junk shall be stored or accumulated within one thousand (1,000) feet of any dwelling and no closer than forty (40) feet to any property line or public street.
- G. The premises shall be enclosed by a metal chain-link fence supported on steel posts with self-latching gate not less than eight (8) feet in height.
- H. The fence shall be supplemented with screening material which creates a visual barrier that is less than fifty percent (50%) open.
- I. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least twenty (20) feet in depth measured from the property line. The required fence shall be located inside the buffer area and where a buffer area exists, supplemental screening, as required in Section H. above, of the fence shall not be required.

401.27 Auto Body Shops and Commercial Garages are subject to the following express standards and criteria:

- A. All repair and servicing shall be conducted within an enclosed building.
- B. All repair and servicing shops shall be located a minimum of three hundred (300) feet from all residential dwellings other than those on the applicant's lot.

- C. Customer vehicles awaiting repairs shall be located inside a building or shall be screened by a hedge or opaque fence which is at least six (6) feet in height so they will not be visible from adjacent properties or streets.
- D. There shall be no storage of materials or equipment outside an enclosed building.
- E. Organic waste and/or rubbish shall be stored in covered containers. All discarded automobile parts shall be stored either inside a building or shall be screened from view behind an opaque fence or hedge which is at least six (6) feet in height until they are properly disposed of in accordance with Federal, State and Local laws.
- F. Adequate off-street parking shall be provided in accordance with Section 507.
- G. The use shall comply with the Performance Standards specified in Section 506 of this Ordinance.

401.28 Home Occupations: Home occupations are subject to the following express standards and criteria:

- A. There shall be no exterior evidence of the use other than the home occupation identification sign authorized by Section 508 of this Ordinance.
- B. A home occupation may be conducted in either a principal or an accessory structure, but in either case shall not occupy a floor area greater than fifty percent (50%) or the total area of the first floor of the principal structure.
- C. The use shall not require internal or external alterations or construction features which are not customary to a dwelling.
- D. There shall be no storage of materials or equipment outside an enclosed building.
- E. Adequate parking for the home occupation shall be provided on the lot.

401.29 Personal Care Homes: The purpose of such homes is to provide residences for four (4) or more adults in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. In addition, such uses shall meet the following conditions:

- A. Signs or exterior display indicating the name of the home or its use shall comply with Section 508.
- B. At least one (1) additional on-lot parking space shall be provided for each two (2) guests, along with one (1) space per employee.
- C. No home shall admit more than eight (8) guests/clients at any one time.

- D. Evidence of the required State certifications and/or licenses shall be presented to the Zoning Officer.

401.30 Farm Equipment Sales and Service: Will be subject to the following conditions:

- A. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line.
- B. All repair services shall take place in an enclosed building.
- C. New and used equipment for sale may be stored in the front yard but shall be kept at least twenty-five (25) feet from the front property line and twenty (20) feet from the side property line.
- D. Junked or scrapped equipment shall not be stored outside an enclosed building.
- E. Outdoor lighting shall be directed away from adjoining properties and no light fixture shall be within twenty (20) feet of any lot line (see Section 512).

401.31 Drive-In/Through Restaurants: These uses are characterized by high volumes of use and late-night operations. Criteria for such uses are as follows:

- A. A site plan will be required.
- B. All property lines adjoining a residential use or classification shall have a buffer yard of ten (10) feet as measured from the property line.
- C. Entrance and exit driveways shall be clearly marked and conform to the requirements of Section 507 of this Ordinance.
- D. Parking spaces and stacking spaces shall conform to Section 507 of this Ordinance.
- E. The alignment of driveways for order and pickup purposes shall be so arranged or screened to avoid headlight glare on adjacent residential uses or districts.
- F. Auto/pedestrian circulation shall be designed to allow adequate sight distance between patron entrances/exits and drive-through lanes.
- G. Lighting shall be designed so as to minimize glare (see Section 512).

401.32 Self-Storage Units: These uses shall:

- A. Provide a buffer yard of at least ten (10) feet, measured from the property line, along all side and rear yards, which abut residential districts or uses.
- B. Lot areas shall be at least two (2) acres in size.
- C. Lighting shall be directed away from adjacent properties (see Section 512).

401.33 Outdoor Automobile Sales Areas, Car Washing Establishments, subject to the following express standards and criteria:

- A. Car washes shall be connected to public sewer. All drainage water from car washing operations shall be contained on site, so as to not become a nuisance or hazard to adjoining properties, berms or roadways.
- B. All repair, servicing, customer car washing and sales shall be conducted within an enclosed building.
- C. All facilities shall comply with the Performance Standards of Section 506 of this Ordinance.
- D. All property lines adjoining residential use or zoning classification shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line.
- E. Customer vehicles with external damage which are awaiting repairs shall be located inside a building or shall be screened by a hedge or opaque fence so they will not be visible from adjacent properties or streets.
- F. All off-street parking spaces required for customers and employees shall be reserved for parking and shall not be used for the display of merchandise.
- G. Outdoor sales areas shall be covered with an impervious surface, and shall be maintained free of debris and obstructions. No article or merchandise shall be displayed closer than five (5) feet to any property line.
- H. All outdoor lighting shall be located at least ten (10) feet from any street right-of-way and shall be shielded and reflected away from adjacent properties and public streets (see Section 512).

401.34 Convenience Store:

- A. Any fuel pumps shall be at least thirty (30) feet from the front lot line and thirty (30) feet from each side lot line.

- B. No vehicle will be parked or stored along the front lot line except on a short-term basis [less than twelve (12) hours].
- C. Any lot line abutting a residential use or district shall provide appropriate screening. Such screening shall be at least ten (10) feet wide.
- D. Canopy structures shielding gasoline pumps shall be no closer than twenty (20) feet from the front lot line or may follow the average setback of the structures adjoining on each side and twenty (20) feet from each side lot line.
- E. Any outdoor mechanical or refrigeration equipment shall be muffled to minimize noise.
- F. All outdoor lighting shall be located at least ten (10) feet from any street right-of-way and shall be shielded and reflected away from adjacent properties and public streets (see Section 512).

401.35 Regulations Governing Agriculture:

- A. No retail or commercial activity shall take place other than the storage, processing and sale of farm products or their accessory products on the property where produced. Roadside stands for the sale of farm-produced products must have a minimum setback of twenty-five (25) feet from the street or road right-of-way.
- B. No farm livestock or fowl shall be kept in a building, pen or containment, any part of which is closer to the nearest lot line than one hundred fifty (150) feet. No garbage or refuse, other than produced on the premises shall be used, dumped or stored. Intensively used facilities, such as feed lots or similar uses, shall be set back at least two hundred (200) feet from the nearest lot line.
- C. All farms, including those limited to the care of animals for personal use, such as horseback riding, shall be at least ten (10) acres in size.

401.36 Medical and Dental Clinics, Centers; Public and Professional Offices; Police Facilities:

- A. Access shall be from a street with a pavement width of at least twenty (20) feet.
- B. All required parking, loading and unloading shall be contained entirely on lot, including sufficient maneuvering room so that vehicles will not back onto a public street. Any parking area next to a residential use shall be screened (see definition of *Screening*).
- C. All lighting shall be so arranged to prevent glare to adjoining properties (see Section 512).

- D. In the R-S and Village Districts, the total floor area of the principal structure and all accessory uses shall not exceed four thousand (4,000) square feet.

401.37 Recycling Facilities and Transfer Stations: All transfer stations shall:

- A. Be on a lot of at least two (2) acres in size.
- B. Maintain side yards of at least thirty (30) feet, of which at least ten (10) feet shall be comprised of screened planting.
- C. The rear yard shall contain at least ten (10) feet of screen planting.
- D. Shall be located on a State-maintained paved road.

401.38 Residence Above Business Use: This special exception is specifically designed to allow residential uses in the V District on upper floors. In addition to meeting other applicable regulations set forth in this Ordinance, such uses shall:

- A. Provide at least five hundred (500) square feet of usable space per dwelling unit. Non-family households shall not exceed four (4) persons.
- B. Provide for off-street parking for occupants, on-lot, or within four hundred (400) feet of the proposed dwelling. The provision of adequate off-street parking shall be mandatory to maintain a secondary residence use.
- C. Present proof that each secondary dwelling can be adequately accommodated with sanitary sewerage services.
- D. Residence uses will not be allowed on parcels where dangerous or flammable liquids are stored or used.

401.39 Shopping Centers: This regulation will apply to retail shopping development with twenty thousand (20,000) square feet, or more, of gross floor area, or to any additions to existing shopping centers of that size.

- A. All such uses shall submit a site plan prepared by a registered architect or engineer. This site plan shall contain:
 - 1. The intended development with dimensions, building footprints and use
 - 2. Utilities
 - 3. The outdoor lighting plan (see item D below)

4. The parking lot plan [see 507.2(h)] of these regulations and item B below
 5. Drainage plan, if required by local ordinance.
- B. All property lines which abut residential districts or pre-existing residential uses shall maintain both of the following buffer yard types:
1. A twenty (20) foot wide buffer yard of vegetation sufficient to provide opaque screening during six (6) months of the year. This buffer yard shall maintain the existing natural vegetation unless insufficient for screening or of species generally recognized as inferior for shade, erosion control or screening. If deemed so, the developer shall maintain a planting standard of eight (8) deciduous trees and sixteen (16) coniferous trees per each five thousand (5,000) square feet of buffer yard.
 2. A screening yard of spruce, planted to the following standards: An initial row of trees to follow a lineal centerline with additional rows planted at oblique angles on each side of the centerline row, sufficient to provide complete and constant opaque screening from the time of planting. This screen of plantings shall be situated at the interior edge of the natural vegetation buffer yard and may be included in calculations of required yard areas.
- C. Planting Standards: At the time of planting, all coniferous trees shall be a minimum of six (6) feet in height, as measured from the ground. Hardwood trees shall be a minimum of twelve (12) feet in height, as measured from the ground. The Zoning Officer may inspect plantings as necessary. Trees which have died within the first year shall be replaced as needed.
- D. Lighting: Any lighting used to illuminate buildings, parking or loading areas shall be arranged to reflect the light away from the adjoining premises of any residential district or use (see Section 512).
- E. All retail businesses of twenty thousand (20,000) square feet or greater, shopping centers and eating and drinking places within this district shall submit a plan for future traffic access. This plan shall include reserve areas for connecting parking lots to abutting properties, maintaining sufficient setback for future collector streets or other standard arterial access limitations. As a part of the approval process, the developer shall agree to permit the interconnection of future abutting parking lots to his property and make such necessary improvements.

401.40 Heavy Manufacturing: Heavy manufacturing shall meet the following performance standards:

- A. All needed permits from Federal and State environmental agencies shall be identified and presented.

1. Noise: The sound pressure level of any industry abutting upon a residential or commercial district shall not exceed the decibel limits in the octave bands designated in the following table.

Octave Frequency (Cycles per second)	Decibel Limits	
	Along Residential District Boundaries	Along Businesses or Commercial District Boundaries
0-75	72	79
75-150	67	74
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
Over 4800	32	39

Sounds of short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the sound-level meter, shall be measured with the impact filter as manufactured by the General Radio Company or its equivalent in order to determine the peak value of the impact. For sounds so measured, the sound pressure level set forth in this table may be increased by six (6) decibels.

2. Vibration: No vibration shall be generated which can be detected by a normal person at the I District boundary.
3. Glare: Activities as welding shall be shielded from any residential use or district.
4. Lighting: All outdoor lighting shall be located at least ten (10) feet from any street right-of-way and shall be shielded and reflected away from adjacent properties and public streets (see Section 512) .

401.41: Warehouse and Truck Terminals, Bulk Fuel Storage: These uses tend to be intense and can often involve issues of public safety. As such, they must meet the following conditions:

- A. All such uses must have a lot of at least two (2) acres in size. Any yard that faces a residential use or district must provide a screening area of at least ten (10) feet in addition to the required setbacks.

1. All such uses must have direct access to a State road or highway, due to the traffic such uses engender.
2. If the number of trucks to be accommodated in a daily basis exceed one hundred (100), the applicant will describe in detail what steps will be taken to insure traffic safety and provide evidence that proper sight distances for both truckers and passenger cars will be provided.
3. For uses involving bulk fuels and or chemicals, a list of substances to be handled, piping plans and emergency phone numbers of company personnel for the McConnellstown Volunteer Fire Department will be required.
4. Any needed permits shall be presented.
5. Lighting: All outdoor lighting shall be located at least ten (10) feet from any street right-of-way and shall be shielded and reflected away from adjacent properties and public streets (see Section 512).

401.42 Community Juvenile and Adult Residential Facilities: These facilities are intended for either adult or juvenile individuals who are placed therein by the Commonwealth, or the Courts. Any such operation must:

- A. Demonstrate their connection with appropriate elements of the judicial system by either their official status, or by written evidence that they are acting in an official capacity (whether ownership is public or private).
 1. No lot size shall be less than two (2) acres for facilities to house up to ten (10) residents. For those over ten (10) residents, the size shall be at least five (5) acres. All side and rear setbacks shall be increased by forty (40) feet for those facilities of ten (10) or fewer residents, while that shall be increased by one hundred (100) feet for all other facilities.
 2. The operators shall present to the Township plans for security of the facility in terms of escape, fire and health emergencies and evidence these plans have been approved by appropriate agencies.

401.43 Landfills: Such uses shall:

- A. Provide full documentation that all required permits have been secured from the Pennsylvania Department of Environmental Protection as well as permit from any other State or Federal agency with jurisdiction over the facility.
- B. These uses generate extensive truck traffic that would be inappropriate for residential or rural farm areas. Therefore, they must be located on a paved State

road with a minimum cartway of twenty-two (22) feet that is capable of accepting back the volume of trucks and their weight expected at the facility. (Note: These regulations are separate from the access road regulations 25 Pennsylvania Code 273.21B.)

- C. The minimum lot size shall be forty (40) acres.
- D. Operations shall be restricted to the hours of 6:00 a.m. to 10:00 p.m., prevailing time.
- E. The operator will assist the Township relative to participation in the Host Municipality Inspector Program.

401.44 Car Washes: Such uses typically have periodic times of high use and generate large volumes of wastewater. They must:

- A. Be located on a paved street with a cartway of at least twenty (20) feet.
- B. Be so designed so that vehicles queued in line to use a washing bay will not be on a public street. [See 507.2(I)]
- C. All such uses must contain wastewater on site and dispose of such wastewater to a public sewer system.
- D. Be connected to a public water system.
- E. All parking areas, driveways and washing bays shall be paved.

401.45 Banks: Shall:

- A. Control glare from site lighting (see Section 512).
- B. Provide on-site storage from vehicles using drive-through facilities. [See 507.2(I)]

Section 402 Procedures for Special Exceptions and Conditional Uses:

All applications for a special exception or conditional use shall be filed with the Walker Township Zoning Officer. Such applications shall be in forms provided by the Township and shall include:

- A. A brief narrative describing the proposed use and, as appropriate, its operation.
- B. Recite the criteria as set forth by this section needed for a special exception or a conditional use and describe how the proposed development conforms to same.

- C. Provide a site plan.
- D. Provide any landscaping plan required, including those for screening and/or buffer yards.
- E. Any other pertinent data which may be useful in reviewing the proposal.
- F. All applications shall be complete and shall be accompanied by required fees.

The processing of special exceptions and conditional uses is set forth in Articles 7 and 8.

ARTICLE 5
SUPPLEMENTARY REGULATIONS

Section 501 Nonconforming Uses and Structures

Every structure, use or lot which does not conform to the regulations of the district in which it is located at the time of adoption of this Ordinance or amendment thereto, shall be considered “nonconforming.” The following provisions shall apply to all nonconforming uses and structures. It is the intention of Walker Township that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as allowed in this Article.

501.1 Any nonconforming use may be continued, or may be changed to a use of the same or a more restrictive classification, but may not be extended or expanded unless to a conforming use, except as permitted by the Zoning Hearing Board in accordance with the provisions of this Ordinance.

501.2 A nonconforming structure which has been partly or completely destroyed, other than by intent or design, may be rebuilt or repaired within one (1) year and continued. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure declared unsafe by any public official. (See also 501.4.)

501.3 In the event that any nonconforming use voluntarily ceases, for whatever reasons, for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance.

501.4 The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A nonconforming building or structure may, with the approval of the Zoning Hearing Board, be extended, enlarged or replaced. Furthermore, such structures must comply with the area, yard regulations and height restrictions of the district in which the structure is located, and must meet all off-street parking and loading requirements of this Ordinance.

501.5 Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance.

501.6 Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

501.7 Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Article shall also apply to any uses which thereby become nonconforming.

501.8 Nonconforming signs may be repaired, provided that no structural alterations are made which increase the gross surface area of the sign.

Nonconforming signs may not be enlarged or added to; however, the interchange of panels on nonconforming signs shall be permitted.

Section 502 Existing Lots of Record

502.1 Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the yard, height and coverage standards of the zoning district wherein it is located. Where two (2) or more adjacent lots of record with less than the required area and width are held by one (1) owner, on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Zoning Hearing Board which may require replatting to fewer lots, which would comply with the minimum requirements of this Ordinance.

502.2 No provision of Article 3 of this Zoning Ordinance relating to side and rear yard requirements shall prevent the reasonable use of a lot of record. The Zoning Officer may grant a reduction in the requirement for side yard and rear yards for lots of record which lack required lot width. However, in no event may such yard dimensions be reduced by more than one half than required by Article 3 without the approval of the Zoning Hearing Board.

Section 503 Application of Yard Regulations

503.1 Where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of either or both sidelines of the lot, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district. Where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.

503.2 All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as noted in Section 503.3, Section 503.4, Section 503.5, and Section 503.7.

503.3 A wall or fence under eight (8) feet in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Retaining walls and fences required for screening under this Ordinance may not be subject to the eight (8)

foot high limitation. Fences may be permitted in front yard areas provided they are no higher than four (4) feet and do not impinge on the required free sight triangle at intersections. Fences for safety purposes or containment of livestock that do not block public road or driveway lines of sight are exempt from these provisions.

503.4 Swimming pools shall be permitted in side or rear yard areas, provided that the pool is located not less than ten (10) feet from lot line.

503.5 Small garden sheds, storage sheds and similar accessory structures may be permitted in rear yard areas, provided such structure does not lie closer than five (5) feet to side lot line or within ten (10) feet of the rear property line.

503.6 Attached Accessory Structures: When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

503.7 Fire Escapes and Other Permitted Projections: Nothing contained in this Ordinance shall prevent the projection of an open fireproof escape or stairway into a rear or side yard for a distance not to exceed four (4) feet. In addition, typical architectural features, including, but not limited to, bay windows, window sills, cornices and eaves, shall be permitted to project into required yards no more than two (2) feet.

503.8 Ramps for handicapped persons will be permitted and shall be so designed to minimize intrusions on the required front yard.

Section 504 Temporary Structures

Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. They shall be removed when construction is complete. Permits for temporary structures shall be issued for a one (1) year period. Temporary structures are subject to setback requirements.

Section 505 Height Limitations

When the following conditions are met, height limits may be increased:

505.1 Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side and rear yard depths are increased by one (1) foot for each additional foot of height; however, such increase shall be limited to no more than ten (10) additional feet.

505.2 The following structures are exempt from height regulations provided they do not constitute a hazard: church spires, chimneys, elevator bulk heads, smoke stacks, telecommunication towers or antennas, conveyors, flag poles, agricultural barns, silos and similar farm structures, standpipes, elevated water tanks, derricks and similar structures.

Section 506 Performance Standards

No use of land or structure in any district shall involve, or cause, any condition or material that may be dangerous, injurious, or noxious to any other property or person. Furthermore, every industrial or commercial use of land or structure in any district must observe the following performance requirements:

506.1 Fire Protection: Fire protection and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.

506.2 Electric Disturbance: No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.

506.3 Air Pollution/Smoke: All air-borne emissions shall comply with the regulations of the Pennsylvania Department of Environmental Protection and the Environmental Protection Agency (US).

506.4 Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted (see Section 512).

506.5 Water Pollution: No permit shall be issued until all applicable wastewater, stormwater or erosion/sedimentation control permits have been obtained.

506.6 Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property, except that the temporary vibration as a result of construction activity shall be permitted.

Section 507 Off-Street Loading and Parking

Off-street loading and parking space shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged.

507.1 Off-Street Loading: Every use listed in the following table shall provide off-street loading berths in accordance with its size.

Off-Street Loading Space Requirements:

<u>Use</u>	<u>First Berth</u>	<u>Second Berth</u>
Industrial:		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000
Commercial:		
Wholesale	20,000	50,000
Retail	20,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	80,000
Office Building	40,000	100,000
Hotel/Motel	20,000	100,000
Institutional:		
Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000
Public Buildings:		
Auditoriums	30,000	100,000
Arenas	30,000	100,000

Note: All figures are given in gross feet of floor area (GFA) for each listed use.

507.1(a) Size and Access: Each off-street loading space shall be not less than fourteen (14) feet in uniform width and sixty (60) feet in length with fifteen (15) feet of vertical clearance. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto. Loading spaces shall not be located in the required front yard.

Loading spaces for vehicles over a two (2) ton capacity shall be located at least thirty (30) feet from any property line adjoining residential use or zoning classification. All loading spaces located along a property line adjoining residential use or zoning classification shall be screened by an opaque wall, fence or hedge at least six (6) feet in height.

507.2 Off-Street Parking:

507.2(a) Size and Access: For all uses, each parking space shall have a uniform area of one hundred eighty (180) square feet, being at least ten (10) feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street.

507.2(b) Number of Parking Spaces Required: The number of off-street parking spaces required follow on the next page. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ for the uses.

PARKING

<u>USE SPACES</u>	<u>REQUIRED PARKING</u>
1. Auto Sales and Service	1 for each 250 square feet GFA
2. Service Stations	1 for each 250 square feet GFA
3. Single-Family Dwelling and Duplex	2.0 per dwelling unit
4. Multi-Family Dwelling	2.0 per dwelling unit*
5. Mobile Home Parks	1.50 per each mobile home space
6. Hotels and Motels	1 per guest room**
7. Funeral Home and Mortuaries	20 for the first parlor 5 for each additional parlor
8. Hospitals	1 per each bed**
9. Nursing Homes	1 per each 3 beds**
10. Churches	1 per each 3 seats
11. Schools	1 per each teacher and staff 1 for each 4 classrooms + 1 for each 4 high school students
12. Sports Arenas, Stadiums Theaters, Auditoriums, Assembly Halls	1 per each 3 seats
13. Community Buildings, Social Halls, Dance Halls, Clubs and Lodges	1 space for each 60 square feet of public floor area
14. Roller Rinks	1 space for each 250 square feet GFA
15. Bowling Alleys	5 per alley
16. Banks and Offices	1 for each 250 square feet GFA
17. Medical Office and Clinics	8 spaces per doctor
18. Dental Offices	5 spaces per doctor
19. Retail Stores	1 per each 250 square feet GFA
20. Fast Food/Drive-Thru Restaurants	1 per each 2 patron seats**
21. Furniture Stores	1 per each 400 square feet GFA
22. Food Supermarkets	1 per each 250 square feet GFA
23. Mobile Home and Monument Sales	1 per each 2,500 square feet of lot area
24. Restaurants, Taverns and Nightclubs	1 for each 2.5 patron seats
25. Industrial and Manufacturing Establishments, Warehouses, Wholesale and Truck Terminals	1 space per employee, on the largest shift, plus 1 spare for each 10,000 GFA for visitors
26. Commercial Recreation (not otherwise covered)	1 space for every 2 persons permitted in maximum occupancy
27. Boarding or Rooming Houses	1 for each rental room

*Multi-family units devoted to the elderly shall only be required to provide .5 parking spaces per dwelling unit. Such uses must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to non-elderly use.

**Plus one (1) space per employee and staff on major shift.

Note: GFA means gross floor area.

507.2(c) Location and Parking: Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit parking spaces to be located not more than four hundred (400) feet from the lot of the principal use, if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use. The Board may require documentation, such as a lease or agreement, to approve off-lot parking.

507.2(d) Screening and Landscaping: Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened on any side which adjoins a residential district (see definition of Screening) or use. In addition, there shall be a planting strip of at least eight (8) feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained. For lots of twenty-five (25) or more, see 507.2(h).

507.2(e) Minimum Distance and Setbacks: No off-street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, school, hospital, or similar institution.

507.2(f) Surfacing: With the exception of single-family and two-family dwellings, all parking and loading areas and access drives shall have a dust-free surface, graded with positive drainage to prevent the flow of surface water onto neighboring properties. Parking areas larger than ten thousand (10,000) square feet shall submit a plan [see 507.2(h) below], including drainage provisions, to the Township for approval. Lots shall be designed to provide for orderly and safe loading and parking.

507.2(g) Lighting: Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises of any residential district or use and away from roads or highways. Light fixtures shall be full cut off. (See Section 512)

507.2(h) Parking Lot Landscaping: The objective of this section is to improve the appearance of parking lots and to protect and preserve the appearance, character, and value of the surrounding neighborhoods and thereby promote the general welfare by providing for the installation and maintenance of landscaping for screening.

507.2(i) Stacking Requirements for Drive-In, Drive-Through Facilities: This section provides vehicle standards for drive-in, drive-through facilities. These may include such uses as banks, fast-food restaurants and car washes. The purpose of these standards is to provide minimal stacking capacity for various uses so vehicles will not use public streets while queuing in line for service. All references to stacking capacity relates to typical automobiles. A length of twenty (20) feet per auto will be used to accommodate one (1) vehicle and minimal head space. Minimal stacking lane width is nine (9) feet.

Use	Stacking Capacity Per Drive-In Window
Restaurant	8* per drive-in window
Bank	5 per drive-in window
Car Wash	4 per wash bay
*If there are separate order and pickup windows, four (4) for each shall be accepted.	

For other uses, guidelines for the Institute of Traffic Engineers may be used or the written recommendations of a professional engineer.

Note: Stacking capacity is to be measured from the lot line to the service window and is not to include any area of the public right-of-way.

Section 508 Signs

The following sign regulations shall be observed in all districts (see also 903.4). All signs, except those enumerated in 508.A are required to obtain a permit.

- A. The following signs shall be permitted in all districts, and no permit shall be required to erect such signs:
1. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided such *sign* shall not exceed thirty-two (32) square feet in area and shall be removed immediately upon the completion of the campaign, drive or event. Signs shall be allowed for a six (6) month period.
 2. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed eight (8) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
 3. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed thirty-two (32) square feet, and provided that such sign shall be removed upon completion of the work. Signs will be allowed for a six (6) month period. Once construction is complete, the sign shall be removed.

4. Development Signs: Signs identifying residential developments of no greater than twenty (20) square feet at one entrance to the development shall be allowed.
 5. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of such sign shall not exceed six (6) square feet.
- B. No signs shall be permitted within street lines, except those of a duly constituted governmental body, including traffic signs and similar regulatory notices.
 - C. Directional and information signs, not exceeding eight (8) square feet in *area*, per use, premises or establishment, and used for the direction and protection of the public, shall be permitted in all non-residential districts.
 - D. The height of free-standing signs from curb level to the top of the sign shall not exceed fifteen (15) feet in all areas except commercial districts where they may extend to twenty-five (25) feet in height.
 - E. In Residential, the Conservation Districts, permitted signs will be allowed in the front yard, but must be at least ten (10) feet behind the front property line. In commercial districts, signs may be permitted up to the front yard line except where such signs would interfere with the required free sight triangle (see Definitions), or where they would interfere with pedestrian or traffic visibility. Signs shall not project over or onto any public right-of-way.
 - F. Signs may be lighted with non-glaring lights, or may be illuminated by shielded floodlights (see Section 512).
 - G. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.
 - H. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
 - I. Political Signs: Such signs shall be permitted in all districts.

508.1 In Residential Districts, the A-1 Conservation District and the Village District, the following signs shall be permitted:

- A. Home occupation, no impact home-based business are allowed a wall, freestanding or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed six (6) square feet and provided

that each such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten (10) feet of a street line.

- B. Sign, bulletin board, announcement board or identification sign for schools, churches, hospitals, or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services; provided that the area of any such sign shall not exceed forty (40) square feet and not more than one (1) such sign shall be erected on any one (1) street frontage.
- C. For multiple-unit dwelling complexes, one (1) sign, not to exceed two (2) square feet per building, shall be permitted identifying the name, address and telephone number of the owner or manager. In addition, one (1) sign which exclusively identifies the multiple-unit dwelling complex by its commonly known name, said sign not to exceed thirty-two (32) square feet, shall be permitted. Any such signs shall be no closer than ten (10) feet for the front lot line.
- D. In the Village District only, the following signs shall be permitted: Wall signs, provided that the total of such signs shall be limited to one-and-one-half (1½) square feet for each lineal foot of horizontal building facade length, but not to exceed an aggregate area of sixty (60) square feet. Signs may be illuminated or non-illuminated. Wall signs shall be allowed on all building frontages. Such signs shall not extend more than twelve (12) inches from the main wall of the building.

508.2 In Business Districts, the following signs shall be permitted:

- A. Signs directing patrons, members or audience to temporary exhibits, shows or events, provided that such sign shall not exceed six (6) square feet; shall be removed within one (1) week after the date of the exhibit, show or event; shall not be posted earlier than two (2) weeks before the date of the exhibit, show or event.
- B. Wall signs, provided that the total of such signs shall be limited to one-and-one-half (1½) square feet for each lineal foot of horizontal building facade length. These signs may be illuminated or non-illuminated. Wall signs shall be allowed on all building frontages. Such signs shall not extend more than twelve (12) inches from the main wall of the building.
- C. Special temporary promotional devices, signs or displays, such as banners or pennants. Where such signs are outside of a building, they shall remain on display for a period not to exceed thirty (30) consecutive days.
- D. Pole Signs: May be illuminated or non-illuminated. The area per sign face shall not exceed fifty (50) square feet in surface area per face. No more than two (2) sign faces shall be permitted. There shall be at least ten (10) feet of clearance between ground level and the bottom of the sign face.

- E. Ground Signs: Shall not exceed twelve (12) square feet in size and may be illuminated or non-illuminated.
- F. Shopping Centers and Multi-Tenant Buildings (Multi-Tenant Identification Signs): One (1) directory-type sign shall be permitted for a shopping center which identifies the name of the shopping center and the tenants of the facility. Such a sign shall not exceed sixty (60) square feet in overall size per sign face. In addition, some twelve (12) square feet for each tenant name may be used on the directory sign (see illustration). Tenants will be allowed signs on, or in the shopping center in accordance with Section B above, Wall Signs.

508.3 Billboards: Billboards will be permitted in the A-1 Conservation District and the I - Industrial District subject to the following conditions:

- A. The surface of the sign shall be three hundred (300) square feet.
- B. No more than two (2) panels per sign structure shall be permitted.
- C. No billboard shall be within six hundred (600) lineal feet in any direction of an existing residence.
- D. No billboard shall be within one thousand five hundred (1,500) lineal feet of another billboard.
- E. Billboards shall be set back from the front lot line at least thirty (30) feet.

508.4 In the RPO, Residential Professional Office, the following signs shall be allowed:

- A. Bed and breakfasts and no impact home-based businesses signs displaying the name and address of the business, occupant or the profession or activity of the occupant of a unit, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed eight (8) square feet and provided that each such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten (10) feet of a street line.
- B. Sign, bulletin board, announcement board or identification signs for schools, churches or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services; provided that the area of any such sign shall not exceed forty (40) square feet and not more than one (1) such sign shall be erected on any one (1) street frontage. Such signs shall be set back ten (10) feet of a street line.
- C. For multiple-unit dwelling complexes, one (1) sign, not to exceed two (2) square feet per building, shall be permitted identifying the name, address and telephone

number of the owner or manager. In addition, one (1) sign which exclusively identifies the multiple-unit dwelling complex by its commonly known name, said sign not to exceed thirty-two (32) square feet, shall be permitted. Any such signs shall be no closer than ten (10) feet for the front lot line.

- D. Multi-Tenant Office Buildings: Where more than one (1) tenant exists in a building, each tenant shall be allowed wall a sign. Wall signs may contain some twelve (12) square feet for each tenant name may be used on the directory sign.* Any such signs shall be no closer than ten (10) feet for the front lot line.

**Directory signs of forty (40) square feet will also be allowed.*

Section 509 Individual Mobile Homes

Individual mobile homes shall be permitted on individual lots only if they meet the following conditions:

- A. The proposed lot shall meet all area and yard requirements of the district.
- B. All mobile homes, exclusive of those located in mobile home parks, shall be placed on a foundation of concrete masonry, stone masonry, concrete blocks or bricks. This foundation shall be constructed to a depth of no less than thirty (30) inches below the finish grade line of the mobile home site and shall be oriented to the structural frame of the mobile home in such a manner as to offer adequate support and bearing to the structure. Tie downs, according to the manufacturer's directions, shall be installed to prevent wind damage. If such specifications are not available, at a minimum, there shall be at least four (4) tie downs per side for units over fifty (50) feet in length and three (3) tie downs per side for units fifty (50) feet or less in length. Tie downs shall consist of steel, weather-resistant straps fixed to the mobile home, and fixed to anchors with tensioning heads. Each anchor must be able to withstand a pull of four thousand seven hundred twenty-five (4,725) pounds. It shall be the responsibility of the installer to certify to such installation.

Section 510 Helipads are subject to the following express standards and criteria:

- A. Helipads shall be permitted only when accessory to hospitals, airports, public safety office operations, parks or industrial parks.
- B. Helipads shall be located at least one hundred (100) feet from any property line or public street.
- C. Evidence of compliance with all applicable regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation shall be submitted.

- D. The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate same.
- E. Lighting shall be shielded away from adjacent properties.

Section 511 In Industrial “I” Districts

- A. The structures and uses allowed in the “I” District are subject to the following express standards and criteria:
 - 1. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least fifteen (15) feet in depth measured from the property line.
 - 2. Along all property lines adjoining residential uses or zoning classifications, the required yard clearance for manufacturing uses shall be one hundred (100) feet.
 - 3. All uses shall comply with the Performance Standards specifications in Section 506 of this Ordinance.
 - 4. The following accessory uses shall be permitted:
 - a. Employee cafeterias or dining facilities.
 - b. Retail sales and distribution of products manufactured on the site.
 - c. Administrative offices.

Section 512 Lighting: To the extent possible, it is Walker Township’s policy to reduce glare by requiring “Full Cutoff” lighting fixtures unless the applicant can demonstrate such fixtures will not perform adequately. The Township has informational sheets on this topic. Many commercial lighting fixture catalogs offer full cutoff fixtures.

ARTICLE 6 DEFINITIONS

Section 601 Interpretation

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word “shall” is always mandatory. The word “building” includes “structure” and shall be construed as if followed by the words “or any part thereof.” The phrase “used for” includes “arranged for,” “person” includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word “includes” or “including” shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.

Section 602 Specific Terms

The following words and phrases shall have the meaning given in this section:

Accessory Building - a subordinate building, incidental to, and located on the same lot as, the principal building, and used for an accessory use. Examples are detached garages, garden sheds and above-ground swimming pools.

Accessory Use - a use incidental to, and subordinate to and located on the same lot occupied by the principal use to which it relates. An example is a below-ground swimming pool.

Agriculture - any agricultural use, including farming, dairying, pasturage, agriculture, aquaculture, horticulture, floriculture, viticulture, horse keeping, animal and poultry husbandry, and forestry (including the harvesting of timber), but excluding specialized animal raising and care or dog kennels as defined by this Ordinance. Agriculture also includes the home sale of fruits, meats, vegetables and similar agricultural produce.

Agricultural Services - businesses selling goods or services to a substantially agricultural clientele, including: feed mills, seed sales, feed grinding services, and agricultural implement dealers.

Area - area of a lot or site shall be calculated from dimensions derived by horizontal projections of the site.

Basement - a floor level completely below grade or floor level in which more than two-thirds (2/3) of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first floor line to the finished grade is five (5) feet or

less, and the slope of the finished grade extending ten (10) feet from the building walls does not exceed thirty (30) degrees.

Bed and Breakfast - an owner-occupied residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

Billboard - a sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Boarding House - see Rooming House.

Buffer Area - a landscaped area of a certain depth specified by the Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material which within three (3) years of planting meets the standard of providing a compact, year-round visual screen at least six (6) feet in height; or an existing natural or constructed barrier which duplicates the effect of the required buffer area. (See also Screening)

Building - a roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

Building or Set-Back Line - imaginary line parallel to or concentric with the nearest road right-of-way line. No portion of a building foundation or wall may extend nearer the lot line than the required front yard depth.

Business Service - any business activity that renders service to other commercial or industrial enterprises.

Campground - an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and recreational vehicles.

Car Wash - an area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery - land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Church - a place of religious instruction or public worship.

Commercial Recreation - a facility which offers various indoor or outdoor recreational opportunities for its patrons including such games as: pool, billiards, bowling, video games, miniature golf and similar pursuits.

Commission or Planning Commission - the Walker Township Planning Commission.

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

Communications Equipment Building - an unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than three hundred seventy-five (375) square feet.

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

Conditional Use - a use to be allowed or denied by the Board of Township Supervisors pursuant to the express standards and criteria set forth in this Ordinance and the recommendations of the Walker Township Planning Commission. In allowing a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and of this Ordinance.

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

Cottage - a small, detached dwelling unit usually built as a seasonal dwelling. For the purpose of this Ordinance, a cottage will be considered as a single-family dwelling unit.

County Planning Commission: the Huntingdon County Planning Commission.

Coverage - the percentage of a lot covered by buildings or structures, measured as gross floor area divided into lot area.

Day Care Services for Children (Day Care) - provides out-of-home care for part of a 24-hour day to children under sixteen (16) years of age, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This Ordinance identifies three levels of Day Care Services for Children:

- a. Family Day Care Homes - facilities in which child day care is provided at any one time to four (4), five (5), or six (6) children who are not relatives of the care giver.

- b. Group Day Care Homes - the premises in which care is provided at one time for more than six (6) but fewer than sixteen (16) older school-age level children or more than six (6) but fewer than thirteen (13) children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises.
- c. Day Care Centers - facilities in which care is provided for seven (7) or more children, at any one time, where the child care areas are not used as a family residence.

Childcare for less than four (4) children will not be considered as Day Care Services.

Dog Kennel - any facilities identified and licensed as a kennel by the laws or regulations of the Commonwealth of Pennsylvania.

Dwelling - a building arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other upon the premises. Dwellings include traditional "stick-built" structures as well as manufactured units such as mobile homes. The term "dwelling" shall not be deemed to include "hotel," or "motel."

- a. Single-family dwelling - a building containing only one (1) dwelling unit.
- b. Two-family dwelling - a building containing two (2) dwelling units, collectively defined under this Ordinance as a duplex, regardless of configuration.
- c. Multi-family dwelling - a building containing three (3) or more dwelling units, including apartment houses, townhouses, flats, and garden apartments.
- d. Detached dwelling - a dwelling with yards on all four (4) sides.

Dwelling Unit - a building or portion thereof containing one (1) or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one (1) family.

Eating and Drinking Places - a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state.

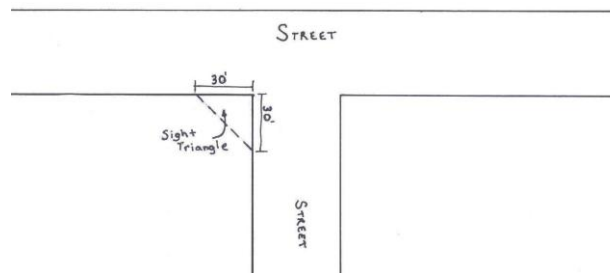
Essential Services - the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or

municipal or other governmental agencies or for the public health and safety or general welfare, but not including buildings.

Family - an individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof, or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit; or, any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with supervision. Family shall not include persons living together in a Group Home, Assisted Living Facility, or Nursing Home, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act.

Floor Area - the sum of the gross area of the several floors of a building or buildings measured from the face of the exterior walls, or from the center line of the walls separating two (2) buildings.

Free Sight Triangle - a triangular-shaped area of land at intersections in which nothing is erected, planted or allowed to grow in excess of three (3) feet in height to provide adequate sight distance for motorists at road intersections. At a minimum, in Walker Township, the free sight triangle shall be measured thirty (30) feet along the right-of-way line (see illustration).



Garage, Private - an enclosed area for the storage of one (1) or more motor vehicles and other personal property owned and used by the residents of the dwelling to which the garage is accessory in which no business, occupation or service is conducted for profit other than the rental of space for not more than two (2) cars.

Gasoline Service Station - an area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

Golf Course - land for playing the sport of golf, consisting of a minimum of nine holes, but excluding miniature golf, par-three golf, pitch and putt, and similar golf-associated activities except as accessory uses on a golf course.

Gross Floor Area (GFA) - the total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use.

Height of a Communications Tower - the vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Height of Building - the vertical distance measured from the average level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

Home Occupation - any use customarily carried on entirely within a dwelling, by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Examples include, but are not limited to: professional services, such as legal, financial, accounting or engineers, barber and beauty shops, studios of artists, writers and associations. (See Professional Office)

Hospital - an institution providing health services primarily for human in-patients and is duly licensed as such by the Commonwealth of Pennsylvania.

Junk - any discarded material or article, and shall include, but not be limited to, scrap metal, scrapped or abandoned motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. For the purpose of this Ordinance, a proper container shall mean a solid plastic or metal container, with a sealable lid, specifically designed for the storage of waste matter.

Junk Yard - any place where any junk is stored, disposed of, or accumulated. This definition shall include recycling centers, recycling yards, and salvage businesses.

Limited Retail Business - small-scale retail enterprises intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by smaller size [less than three thousand (3,000) square feet Gross Floor Area] and confining all commercial activities indoors.

Lot - a tract or parcel of land, regardless of size, held in single or joint ownership, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean "parcel," "plot," "site," or similar term.

Lot, Corner - a lot at the point of intersection of and abutting on two (2) or more intersecting streets.

Lot, Line - any line dividing a lot from another lot or from an abutting street or other right-of-way.

Manufacturing, Light - the assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce: noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within four hundred (400) feet, including production of the following goods: Home appliances; electrical instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats).

Mini-Storage Facilities, a/k/a Self-Storage Facilities - a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

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

Mobile Home Lot - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park - a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

Motel - a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. The definition includes hotels, motor lodges and similar uses.

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

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

Nonconforming 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 reasons of such adoption or amendment.

Nonconforming Structure - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - a use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Nursing Home - a facility to give long-term skilled care to geriatric or handicapped patients and licensed as such a facility by the Commonwealth of Pennsylvania.

Parking Space - an open space with a dustless all-weather surface, or space in a private garage or other structure with an effective length of at least eighteen (18) feet and a uniform width of at least ten (10) feet.

Personal Care Home - a premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

Personal Services - any enterprise conducted for man which primarily offers services to the general public, such as: shoe repair, valet services, watch repairing, barber shops, beauty parlors and related activities.

Planning Code - the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as re-enacted and amended by Act No. 170 of 1988 and Acts 67 and 68 of 2000, and as further amended from time to time.

Professional Office - the office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation.

Public Offices - a room, or group of rooms used for conducting the affairs of a government, public or semi-public agency (authority or similar organization and generally furnished with desks, tables, files, computers and communication equipment.

Public Recreation/Public Parks and Playgrounds - parks and playgrounds that are owned and operated by a governmental agency.

Public Utility Transmission Tower - a structure, owned and operated by a public utility electric company regulated by the Pennsylvania Utility Commission, designed and used to support overhead electricity transmission lines.

Repair/Service Business (see also Service Station) - a building designed and used for the storage, care, repair or refinishing of motor vehicles or engines including both minor and major mechanical overhauling, paint, and body work.

Right-of-Way - a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main or shade trees.

Retail Sales - establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail Services - establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

Rooming House - a dwelling having three (3) or more sleeping rooms for rent to persons not related to its other occupants. The term “rooming house” includes the term “boarding house.” A “boarding house” includes meals for its tenants.

Sanitary Landfill (Landfill) - a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards and permitted by the Pennsylvania Department of Environmental Protection.

Screen Planting - screen planting for this Ordinance shall mean an evergreen hedge at least six (6) feet high at time of planting, planted in such a way that it will block a line of sight. The screening may consist of either one (1), or multiple rows of bushes or trees and shall be at least four (4) feet wide. It shall be the responsibility of the property owner to maintain a screen planting, replacing trees as needed. The Zoning Officer may require replacement of screening trees that die in the first year.

Screening - screening shall mean a fence, screen planting or wall at least six (6) feet high, provided in such a way that it will block a line of sight. (See also Buffer Area)

Self-Storage Facilities (see Mini-Storage Facilities.)

Service Station - buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires and motor vehicles.

Shopping Center - a commercial facility developed as a mixture of uses, including retail sales, theaters, personal services and eating and drinking places, but planned, constructed, managed or promoted as an integral whole.

Sign - any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement or identification. The word “sign” includes the word “billboard,” but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs, nor religious or devotional displays. (See also Billboard)

The “area of a sign” shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or

painted on a surface, the area shall be considered the smallest rectangle which can be drawn to encompass all of the letters and symbols.

Sign, Business - a sign that directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed.

Special Exception - a use permitted with special permission granted by the Zoning Hearing Board, to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this Ordinance when such use is not permitted by right.

Story - that portion of a building located between the surface of any floor and the next floor above; if there is not more than one (1) floor the space between any floor and the ceiling next above it shall be considered a story.

Street - a public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation, which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

Street Line - a line defining the right-of-way boundaries of a street.

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

Truck Terminal - land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Veterinary Clinic - a facility used for the treatment of domestic animals for pay with health treatment provided by a licensed veterinarian.

Warehousing and Distribution - a use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. For the purpose of this Ordinance, storage of explosive, inflammable, hazardous or community-recognized offensive conditions shall be considered heavy industry.

Yard - that portion of a lot which is unoccupied and open to the sky and extends from the lot line or right-of-way to the setback line.

Zoning Officer - the Zoning Officer of the Township of Walker, or his/her authorized representative.

ARTICLE 7
HEARINGS OF THE BOARD OF TOWNSHIP SUPERVISORS

Section 701 Jurisdiction

Under Article IX of the Pennsylvania Municipalities Planning Code, the Board of Township Supervisors have jurisdiction over the following matters which pertain to this Ordinance.

- A. Conditional uses
- B. Substantive questions of ordinance validity through the filing of a curative amendment
- C. Amendments to this Ordinance either to its text or to the Zoning Map
- D. Appeals from the certain actions of the Zoning Officer or Municipal Engineer relative to items specified in Section 909.1 of the Planning Code.

Section 702 Conditional Uses

Certain uses, as specified by this Ordinance, are conditional uses to be granted or denied by the Board of Supervisors. The Walker Township Planning Commission is to advise the Board of Supervisors relative to conditional uses. In general, the Board is to be governed by the specific criteria set forth by this Ordinance, the general intent of the Ordinance, the welfare of the community and the recommendations of the Walker Township Planning Commission in rendering its decision. The Board may attach reasonable conditions to its decision. Specific procedures for Board action follow:

- A. Where the Board, in the zoning ordinance, has stated conditional uses to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board. However, the appellant or the applicant, as the case may be, in addition to the 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. In granting a conditional use, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this act in the Zoning Ordinance.
- B.
 - 1. The Board shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-
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five (45) days after the last hearing before the Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons thereof. Conclusions based on any provisions of the Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

2. Where the Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing within sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board shall fail to provide such notice, the applicant may do so.
3. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. 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.

Section 703 Substantive Challenges, Curative Amendments

These issues shall be handled in accordance with Articles VI and IX of the Planning Code in general.

703.1 Procedure for Landowner Curative Amendments:

- A. A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Planning Code. The Board shall commence a hearing thereon within sixty (60) days of the request as provided in Section 916.1. The curative amendment and challenge shall be referred to the Walker Township Planning

Commission and notice of the hearing thereon shall be given as provided in Section 610 and Section 916.1 of the Planning Code.

- B. The hearing shall be conducted in accordance with Section 908 of the Planning Code and all references therein to the Zoning Hearing Board shall, for purposes of this section be references to the Board provided, however, that the deemed approval provisions of Section 908 shall not apply and the provisions of Section 916.1 shall control. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Zoning Ordinance and Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

- C. If the Board of Township Supervisors determines that the validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Map;
 - 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetland, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - 5. The impacts of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

703.2 Procedure for Municipal Curative Amendments: If the Township determines that its Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. The Board of Supervisors shall declare by formal action, its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board shall:
1. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
 - a. References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b. Reference to a class of use or uses which require revision; or
 - c. Reference to the entire Ordinance which requires revisions.
 2. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by Section 609 in order to cure the declared invalidity of the Zoning Ordinance.
- C. Upon the initiation of the procedures, as set forth in clause (A), the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the Planning Code nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the Planning Code subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by clause (A)(1). Upon completion of the procedures as set forth in clauses (A) and (B), no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the Planning Code shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this section.
- D. If the Township utilizes the procedures as set forth in clauses (A) and (B), it may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Zoning Ordinance, pursuant to clause (B); provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the county by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this section to prepare a curative amendment to its Ordinance to fulfill said duty or obligation.

Section 704 Amendments: Please refer to Article 10 of this Ordinance.

Section 705 Other Appeals

For the subject matter and processing of other appeals, the Township will be governed by Article IX of the Planning Code in general and Section 909.1 therein in particular.

ARTICLE 8

ZONING HEARING BOARD

Section 801—Creation

~~There is hereby created a Zoning Hearing Board, herein referred to as the “Board,” consisting of three (3) residents of Walker Township appointed by the Board of Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.~~

Section 802—Appointment

~~The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, nor be a member of the Planning Commission. The Board of Supervisors shall also appoint one (1) alternate member. The appointment, terms, rights and duties of the alternate shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code.~~

Section 801 – Creation (*Ordinance Amendment, 7-11-11*)

There is hereby created a Zoning Hearing Board, herein referred to as the “Board,” consisting of five (5) residents of Walker Township appointed by the Board of Supervisors pursuant to the Pennsylvania Municipalities Code, as amended. Said Board shall perform all the duties and exercise all the powers prescribed by said Code and as herein further provided.

Section 802 – Appointment

The terms of office of the Board shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other office in the Township, nor be a member of the Planning Commission. The Board of Supervisors shall also appoint up to four (4) alternate members. The appointment, terms, rights and duties of the alternates shall be in accordance with Article IX of the Pennsylvania Municipalities Code.

Section 803 Removal of Members

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 804 Organization of Board

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but where members are disqualified to act in a particular matter or are absent and a quorum is not available, an alternate member shall be seated. The use and selection of alternates shall be consistent with Section 906 of the Planning Code. The Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with Township ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors as requested.

Section 805 Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed from time to time by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

Section 806 Legal Counsel

Where legal counsel is desired, an attorney, other than the Municipal Solicitor, shall be used.

Section 807 Hearings

The Board shall conduct hearings and make decisions in accordance with Article IX of the Planning Code and the following requirements.

- A. Notice of hearings shall be given to the public by public notice as set forth in the Planning Code in a newspaper of general circulation in the County. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the

hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

- C. The first hearing shall be held within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent of the record by the applicant and Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- D. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- E. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- F. The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly

repetitious evidence may be excluded.

- I. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- J. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Except for challenges filed under 916.1 of the Planning Code, where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to commence, conduct or complete the required hearing as required by Article IX of the Planning Code, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 607(1) of the Pennsylvania Municipalities Planning Code. Nothing in this

subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.

- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board no later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 808 Board's Functions

The Board shall have exclusive jurisdiction for the following:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code and Section 808(H) of this Ordinance.
- F. Appeals from the Zoning Officer's determination under Section 916.2 of the Planning Code.
- G. Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the

same relate to development not involving Article V or VII applications of the Planning Code.

H. Variations: The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:

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

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

Section 809 Parties Appellant Before Board

Appeals under Section 808 and proceedings to challenge the Ordinance under Section 808 may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 808 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

Section 810 Time Limitations; Persons Aggrieved

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Planning Code.

Section 811 Stay of Proceedings

Upon filing of any proceeding referred to in Section 808 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. See also Section 915.1 of the Planning Code.

ARTICLE 9
ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 901 Zoning Officer

Walker Township shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall also have the duties as set forth by Article 9 of this Ordinance. The Zoning Officer shall not hold any elective office in the Township.

Section 902 Duties of the Zoning Officer

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use, which does not conform to this Ordinance. The Officer shall be considered as qualified to perform his/her duties by meeting the qualifications established by Walker Township. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

902.1 Application for Zoning Permits: The Zoning Officer shall receive applications for Zoning Permits and/or Certificate of Occupancy. A Zoning Permit is an application filed prior to the start of construction/development by a developer to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable ordinances. Applications conforming to such ordinances shall be approved, those not conforming to such ordinances shall be denied.

902.2 Inspections: The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a Zoning Permit or a Zoning Certificate has been requested. Such inspections may be before, during and after construction and shall be made upon the termination of construction and prior to the issuance of a Certificate of Occupancy.

902.3 Permits, Applications, Appeals and Certificates: The Zoning Officer shall issue or deny such permits or certificates as required by this Ordinance where no other body is involved; shall receive all applications for conditional uses, special exceptions and variances and forward same to the appropriate body. Where a decision is made by another body, the Zoning Officer shall issue or deny the permit as ordered by the applicable Board. It is the intent of the Ordinance that all appeal processes should follow the Pennsylvania Municipalities Planning Code or other appropriate State law. The filing of appeals, special exceptions and variances shall be within such time limits as specified by the Pennsylvania Municipalities Planning Code. The filing of conditional uses shall follow procedures set forth by the Board of Supervisors.

902.4 Enforcement: The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance and to revoke or refuse permits as authorized.

Section 903 Permits and Certificates

903.1 Zoning Permits: An application for a Zoning Permit will show compliance with this and other appropriate ordinances. Applications shall contain information relative to the proposed construction and use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including sketches, plat plans as well as the number of copies, time limits and fees for such applications shall be determined by the Township.

903.2 Certificate of Occupancy: A Certificate of Occupancy shall be required prior to the occupancy or use of any vacant land or prior to the occupancy or use of any structure hereafter constructed, reconstructed, moved, altered or enlarged. The purpose of the Certificate of Occupancy is to confirm that the development described in the Zoning Permit Application has been completed in compliance with the application and this Ordinance. Certificates of Occupancy shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure. Said applications shall be on forms as approved by the Township, as appropriate, and shall be accompanied by a fee as set by the Board of Supervisors.

903.3 Zoning Certificate: The Zoning Certificate shall be issued upon request to confirm that the use of land or a building within the Township is in compliance with this Ordinance. The exact form of the Certificate and fees charged shall be determined by the Township.

903.4 Sign Permit: A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement in Section 508 of this Ordinance.

- A. Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information necessary for such officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance.
- B. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.
- C. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:

1. Dimensions of lot or building upon which the sign is proposed to be erected.
2. Exact size, dimensions and location of the said sign on lot or building.
3. Any other lawful information which may be required by the Zoning Officer.

Section 904 Violations

904.1 Enforcement Notice: When it appears to the Township and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state 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, which have not been met, citing in each instance the applicable provisions of the Ordinance.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

904.2 Causes of Action: In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, and any amendment thereto or prior enabling laws, the Township, the Zoning Officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant,

notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of Walker Township. No such action may be maintained until such notice has been given.

904.3 Jurisdiction: District justices shall have initial jurisdiction over proceedings brought under Section 904.4.

904.4 Enforcement Remedies: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance and any amendment thereto any prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

**ARTICLE 10
AMENDMENTS**

General

The Board of Township Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the Board of Supervisors, the Walker Township Planning Commission, or by a petition of a person or persons residing or owning property within the Township.

Section 1002 Petitions

Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by the Board of Supervisors.

Section 1003 Referral

Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Walker Township Planning Commission and the Huntingdon County Planning Commission shall be referred to these agencies for their review and recommendations prior to the public hearing by the Board of Supervisors. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the Township and County Planning Commissions.

Section 1004 Action

Before acting upon a proposed amendment, the Board of Supervisors shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing.

In addition to the requirement that notice be posted where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by the Township at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all property located within the area being rezoned, as evidenced by tax records within the possession of the Township. Notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

Ordained and enacted into an Ordinance this _____ day of _____, and shall be effective on the _____ day of _____, _____.