

March 2008

Model Zoning Ordinance Provisions for Huntingdon County Municipalities

Huntingdon County, Pennsylvania

This Model Ordinance was prepared under the
direction of the Huntingdon County Office of Planning and Development.

*This project was partially funded by a Land Use Technical Assistance
Program Grant (LUPTAP) administered by the Pennsylvania
Department of Community and Economic Development.*

Community Planning and Zoning Consultant

Urban Research and Development Corporation
Bethlehem, Pennsylvania

CONTENTS

Page

Title, Severability, Enactment	1
1. Title	2
2. Short Title	2
3. Severability	3
4. Procedural Defects in Enactment	3
5. Repealer	3
6. Effective Date	3
 Article 1 Administration	 1-1
101. Applicability	1-1
102. Purposes And Community Development Objectives	1-1
103. Permits And Certificates	1-1
104. General Procedure For Permits	1-7
105. Interpretation And Uses Not Regulated	1-7
106. Enforcement, Violations And Penalties	1-8
107. Fees.... ..	1-9
108. Amendments to This Ordinance	1-9
109. Curative Amendments	1-9
110. Zoning Officer	1-9
111. Zoning Hearing Board Actions And Variances	1-10
112. Zoning Hearing Board Hearings And Decisions	1-13
113. Appeals to Court	1-14
114. Limited Public Utility Exemptions	1-14
115. Borough/Township and Municipal Authority Exemption	1-14
116. Special Exception Use Process	1-14
117. Conditional Use Process	1-16
118. Liability	1-17
 Article 2 Definitions	 2-1
201. Word Usage	2-1
202. Terms Defined	2-1

Article 3 Districts, Permitted Uses And Yard Requirements	3-1
301. Designation of Districts And Purposes	3-1
302. Application of District Regulations	3-3
303. Zoning Map	3-4
304. District Boundaries	3-4
305. Setbacks Across Municipal Boundaries	3-4
306. Table of Permitted Uses by District	3-5
307. Dimensional Requirements in Each District	3-21
308. Wetlands, Lakes and Steep Slopes	3-38
309. Open Space Development Option	3-39
310. Demolition of Historic Buildings	3- 47
Article 4 Additional Requirements For Specific Uses	4-1
401. Applicability	4-1
402. Additional Requirements For Specific Principal Uses	4-1
403. Additional Requirements For Accessory Uses	4-24
Article 5 Environmentally Sensitive Areas	5-1
501. Erosion Control	5-1
502. Nuisances And Hazards to Public Safety	5-1
503. Wetlands and Steep Slopes – See Section 308	
504. Floodplains (Flood-prone Areas)	5-1
505. Noise	5-2
506. Odors And Dust	5-2
507. Control of Light And Glare	5-3
Article 6 Off-Street Parking And Loading	6-1
601. Required Number of Off-street Parking Spaces	6-1
602. General Regulations for Off-street Parking	6-5
603. Design Standards for Off-street Parking	6-7
604. Off-street Loading	6-11
605. Fire Lanes	6-12

	<u>Page</u>
Article 7 Signs	7-1
701. Purposes and Applicability.	7-1
702. Sign Definitions.	7-1
703. Miscellaneous Signs Not Requiring Permits	7-2
704. Freestanding, Wall and Window Signs (On-premises Signs).....	7-7
705. Prohibited Signs.....	7-9
706. Off-premise Signs (Including Billboards)	7-10
707. General Design, Location and Construction of Signs	7-11
708. Vehicles Functioning as Signs	7-12
709. Abandoned or Outdated Signs	7-12
710. Measurement of Signs.	7-11
711. Illumination of Signs.	7-12
712. Nonconforming Signs.	7-13
Article 8 General Regulations	8-1
801. Frontage Onto Improved Streets; Number of Uses or Buildings; Minimum Size of Dwellings	8-1
802. Height Exceptions	8-2
803. Special Lot And Yard Requirements, Sight Distance and Buffer Yards	8-2
804. Landscaping	8-5
805. Nonconformities	8-7
806. Dumpster Screening and Location.....	8-10
 Index	
Zoning Map	Insert at End

USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- Please contact the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map.
- Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- Consult the **Zoning Map** at the end of this Zoning Ordinance to determine the zoning district that includes your lot.
- Turn to Section 306, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each zoning district. A use is permitted in three ways:
 - a) by right,
 - b) by special exception (the Zoning Hearing Board must approve the use, as described in Section 116), or
 - c) as a conditional use (the *Borough Council/Board of Supervisors* must approve the use, as described in Section 117).
- Turn to Section 307, the **Table of Lot and Setback Requirements By Zoning District**. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.
- Regularly refer to the **Definitions** in Section 202 to determine the meaning of specific words.

A land use in existence at the time of the adoption of this zoning ordinance, but which is not permitted under the provisions of the ordinance, is a legal non-conforming use (see definition of Non-Conformities).

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in Section 403. For example, additional regulations

are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

If your lot may be flood-prone, see the separate Floodplain Ordinance and the Federal Floodplain Maps.

Turn to the following sections for regulations concerning parking, signs and buffer yards:

- Many uses must provide minimum numbers of off-street **Parking** spaces under Section 601 of this ordinance. The parking standards are listed in a table.
- If **Signs** are proposed within public view, Article 7 must be met. This article lists the types, heights and sizes of signs that are permitted.
- Certain uses are required to provide an open **Buffer Yard** with **Evergreen Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

The following additional considerations should be kept in mind when using this Ordinance:

- An applicant may apply to the *Borough/Township Zoning Hearing Board* for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the municipality for legal advertisements and other costs. See Section 111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
- Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the *Borough/Township Subdivision and Land Development Ordinance* will also apply. This is a separate ordinance available at the *Borough/Township Office*.
- If there will be significant disturbance of the ground, it will be necessary to use certain measures to control **soil erosion**. In such case, contact the County Conservation District.
- If there will be impacts upon stormwater runoff, see the *Borough/Township Stormwater Management Ordinance*. *Note: If a separate ordinance exists.*

Any questions concerning the Zoning Ordinance should be directed to the *Borough's/Township's Zoning Officer*. The Zoning Officer also administers applications for permits.

ZONING ORDINANCE

TITLE: ENACTMENT; SEVERABILITY

Ordinance No. ____

1. **TITLE.** A New Ordinance: a) dividing _____ *Borough/Township*, Huntingdon County, Pennsylvania into districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.
2. **SHORT TITLE.** This Ordinance shall be known and be cited as the " _____ *Borough/Township* Zoning Ordinance" of 200 ____.
3. **SEVERABILITY.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The *Borough Council/Board of Supervisors* hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the _____ *Borough/Township* Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for _____ *Borough/Township*.
4. **PROCEDURAL DEFECTS IN ENACTMENT.** Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law and be filed not later than 30 days after the intended effective date of the Ordinance or amendment.
5. **REPEALER.** The pre-existing _____ *Borough/Township* Zoning Ordinance, as amended, is hereby repealed, in addition to the repeal of any other *Borough/Township* ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.
6. **ENACTMENT.** Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the *Borough Council/Board of Supervisors* of _____ hereby enacts and ordains into an Ordinance the attached document this date of _____, 200 _____. This Ordinance shall become effective in 5 calendar days.

Date of Planning Commission Public Meeting:

Date of *Borough Council/Board of Supervisors* Public Hearing:

BOROUGH COUNCIL/BOARD OF SUPERVISORS

President, Borough Council or Chair, Board of Supervisors

Attest, *Borough/Township* Secretary

For Boroughs: Mayor

ARTICLE 1 ADMINISTRATION

101. **APPLICABILITY OF THIS ORDINANCE.** This Zoning Ordinance shall apply throughout _____. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance. See Section 103.A.

102. **PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES.** This Ordinance is hereby adopted:

102.A. in accordance with the requirements and purposes of the Pennsylvania Municipalities Planning Code, as amended,

102.B. in accordance with goals and objectives of the Huntingdon County Comprehensive Plan,

102.C. to carry out the following major objectives:

1. to make sure that development carefully relates to natural features, and to avoid intense development of environmentally sensitive land,
2. to avoid overextending groundwater supplies, to encourage groundwater recharge, and to protect the quality of groundwater and surface waters,
3. to promote compact, pedestrian-friendly development,
4. to promote compatibility between land uses,
5. to establish coordinated development and roads across municipal borders,
6. to provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types,
7. to direct higher density development to areas that are physically suitable, accessible by major roads and where it is cost-effective to provide central water and sewage services,
8. to coordinate development with future central water and sewage service areas,
9. to direct most industrial development to locations that will minimize conflicts with homes,
10. to direct commercial businesses to existing commercial areas, while minimizing new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes,
11. to promote new business development in appropriate areas that will provide additional tax revenue and job opportunities, and
12. to promote public health, safety and general welfare.

103. **PERMITS AND CERTIFICATES.**

103.A. Applicability.

1. Any of the following activities shall only be carried out in conformity with this Ordinance:
 - a. Erection, construction, movement, placement or extension of a structure, building or sign, demolition or reconstruction of a building or a land development,
 - b. Change of the type of use or expansion of the use of a structure or area of land,
 - c. Creation of a lot or alteration of lot lines, and/or
 - d. Creation of a new use.

2. Zoning Permit. A Zoning Permit indicates that an application complies with this Ordinance to the best knowledge of the Zoning Officer
 - a. A Zoning Permit is required to be issued prior to the start of any of the following activities:
 - 1) Erection, construction, movement, placement, relocation or expansion of a structure, building or sign,
 - 2) Change of the type of use or expansion of the use of a structure or area of land,
 - 3) Creation of a new use,
 - 4) Demolition of a building, or partial demolition of the exterior of a building,
 - 5) Site Alterations or Mineral Extraction as defined by Section 202,
 - 6) Excavation or Grading that alters natural slopes of 25 percent or greater or that alters other natural features regulated by this Ordinance, and/or
 - 7) Construction or Installation of a manure storage facility, lake or pond.
 - b. The *Borough/Township* may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate applications for the permits.
3. Certificate of Use.
 - a. It shall be unlawful to use and/or occupy any new principal building or establish any new or replacement principal non-residential use until a Certificate of Use for such building or use has been issued by the Zoning Officer. (Note - A Certificate of Occupancy may also be required in additional situations under the Construction Code, which is a separate ordinance.)
 - b. The Zoning Officer may permit the Zoning Permit application to serve as the application for the Certificate of Use if there is not a need for additional information.
 - c. The Certificate of Use shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this Ordinance. The *Borough/Township* may withhold issuance of the Certificate of Use until there is compliance with other *Borough/Township* construction codes
 - d. The applicant shall keep a copy of the Certificate of Use available for inspection.
 - e. Upon the request of an applicant, the Zoning Officer may issue a temporary Certificate of Use. Such temporary Certificate of Use may permit an activity to occur in all or part of a structure before the entire work covered by the Permit has been completed.
 - (1) However, such temporary Certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
 - (2) The temporary Certificate shall establish in writing a maximum time period under which it is valid. A 6 month maximum time period shall apply if not otherwise specified.
 - (3) Failure to receive a permanent Certificate of Use within such time period shall be a violation of this Ordinance.
 - (4) The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
 - (5) See also Section 103.G.

103.B. Repairs and Maintenance. Ordinary repairs and maintenance of an existing structure that does not involve an expansion or change of a use or structure shall not by itself be regulated by this Ordinance. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a Construction Permit under any *Borough/Township* Building Code may be needed for such work.)

103.C. Types of Uses.

1. Permitted by Right Uses. The Zoning Officer shall issue a permit upon application for a use that is "permitted by right" by this Ordinance if it meets all of the requirements of this Ordinance.
2. Special Exception Use or Application Requiring a Variance. A permit for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only after issuance of a written approval by the Zoning Hearing Board following a hearing.
3. Conditional Use. A permit for a use requiring Conditional Use approval shall be issued by the Zoning Officer only after issuance of a written approval by the *Borough Council/Board of Supervisors* under Section 117.

103.D. Applications.

1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board or a Conditional Use shall be made in writing on a form provided by the *Borough/Township*. Such completed application, with required fees, shall be submitted to the Zoning Officer or Borough/Township Secretary or their designee.
2. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new building, expansion of a building or addition of 3 or more parking spaces. The site plan shall be drawn to scale and show the following:
 - a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
 - b. notes showing the dimensions of all buildings from lot lines and street rights-of-way,
 - c. locations of any watercourses and any 100 year floodplain,
 - d. proposed lot areas, lot widths and other applicable dimensional requirements,
 - e. locations and widths of existing and proposed sidewalks,
 - f. a north arrow and scale, and
 - g. easements that may affect the proposed improvements..
3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
 - a. the address of the lot,

- b. name and address of the applicant, and of the landowner of the property if different from the applicant,
 - c. if the applicant is not the landowner, information shall be presented with the application, such as an agreement of sale or lease, to demonstrate that the applicant has the legal right to make the application,
 - d. a current deed, if the Zoning Officer believes there is a question about ownership by the applicant for the property,
 - e. a description of the existing and proposed use(s) of the property, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this Ordinance,
 - d. all other applicable information listed on the official *Borough/Township* application form,
 - e. if the applicant is incorporated, the legal names and day telephone numbers of officers of the organization/corporation,
 - f. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance, and
 - g. a listing of all conditional uses, special exception approvals and/or variances which the applicant is requesting and/or a description with a date of any such approvals that were previously granted for this property that relate to this application.
4. Submittals to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines in writing that such information is unnecessary to determine compliance with this Ordinance:
- a. the present zoning district and applicable dimensional requirements,
 - b. for a non-residential use:
 - (1) a description of the proposed non-residential operations and storage in sufficient detail to indicate potential adverse impacts and hazards regarding noise, tractor-trailer traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards, and glare
 - (2) a statement of the maximum hours of operation,
 - c. the existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management,
 - d. a listing of any sections of this Ordinance for which variances are being sought, with the reasons for such request,
 - e. approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling"),
 - f. heights, locations, methods of illumination and intensity of exterior lighting and sign lighting,
 - g. name and address of person who prepared the site plan,
 - h. signed acknowledgment of the application by the applicant, and
 - i. such additional information required under applicable sections of this Ordinance.

5. Ownership. No person other than a landowner or his/her specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 2).

103.E. Issuance of Permits.

1. At least one copy of each permit application and any other zoning approval shall be retained in *Borough/Township* files.
2. PennDOT Permit. Where necessary for access onto a State road, a *Borough/Township* zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.

103.F. Revocation of Permits; Appeal of Permit or Approval.

1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
 - a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
 - b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;
 - c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; and/or
 - d. for any other just cause set forth in this Ordinance.
2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Ordinance within the provisions of the State Municipalities Planning Code. Any such appeal shall occur within the time period established in the State Municipalities Planning Code (As of the adoption date of this Ordinance, such provisions were in Sections 914.1 and 1002.A.).

103.G. Zoning Permit for Temporary Uses and Structures.

1. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
 - a. A Temporary Permit may be issued for customary, routine and accessory short-term special events, provided that:
 - (1) only a well-established nonprofit organization or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose or a *Borough/Township*-sponsored festival or *Borough/Township*-sponsored special event shall be eligible to receive approval for

- commercial-type activities in a district where a commercial use would not otherwise be permitted,
 - (2) such total events shall each be limited to a maximum of 10 total days per calendar year, and
 - (3) the applicant shall prove to the *Borough/Township* that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.
- b. A Temporary Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Borough/Township permit.
 - c. In addition, Christmas Tree sales shall be allowed by right in all districts during the months of November and December, except in any residential district.
 - d. The *Borough/Township* may also authorize the use of sidewalks for sidewalk sales or outdoor cafes in a commercial district.
 - e. The *Borough/Township* may also approve the construction of a model home, which is used as a sales office in a development, provided the building is converted to a dwelling when the development is complete. A modular sales office may be allowed by the *Borough/Township* until the first dwelling is complete.
2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause.
3. Temporary Retail Sales. Except as provided for in subsection 103.G.1.a. above, and except for a garage sale, a lot shall only be used for temporary retail sales if all of the following conditions are met:
- a. The property shall be located within a zoning district that allows retail sales.
 - b. The operator shall have received any business permits required by the *Borough/Township*.
 - c. No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
 - d. Any signs visible from a public street shall comply with this Ordinance.
 - e. If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands.
 - f. Any structure shall meet applicable minimum setbacks.
 - g. A permit under this Ordinance shall be required from the *Borough/Township*, which shall be displayed while the activity is open for business.
 - h. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.
 - i. Applicable State highway occupancy permit requirements shall be met.

103.H. Compliance with Borough/Township Subdivision and Land Development Ordinance.

If a application under this Ordinance would also be regulated by the Borough/Township Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.

104. GENERAL PROCEDURE FOR PERMITS.

104.A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons.

104.B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other Borough/Township Ordinances.

105. INTERPRETATION AND USES NOT REGULATED.

105.A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Borough/Township Ordinance.

105.B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, as a conditional use, or as a special exception use by this Ordinance within any Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception use if the applicant specifically proves to the satisfaction of the Zoning Hearing Board that all of the following conditions would be met:

1. the proposed use would be no more intensive with respect to external impacts than uses that are permitted in the District,
2. the proposed use would be closely similar in impacts and character to a use permitted in that District, considering the standards in Section 805.F.,
3. the use would meet the standards under Section 116 applicable to a special exception use, and
4. the use is not specifically prohibited in that District.

105.C. Interpretation of Ordinance Text and Boundaries.

1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications.
2. If an applicant or person with standing disagrees with the Zoning Officer's determination, he/she may appeal to the Zoning Hearing Board. See Section 111.
3. See Section 304.

105.D. Undefined Terms/ Interpretation of Definitions. See Section 201.

106. **ENFORCEMENT, VIOLATIONS AND PENALTIES.** All of the enforcement, violations and penalty provisions of the State Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference.

106.A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:

1. Failure to secure a zoning permit that is required by this Ordinance.
2. Placement of false statements on or omitting relevant information from an application for a zoning permit;
3. Undertaking any action in a manner which does not comply with a zoning permit;
4. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval; or
5. Violation of any condition imposed by a decision of the *Borough Council/Township Supervisors* in granting a conditional use or other approval; or
6. Violation of any condition imposed by a decision of a court of competent jurisdiction, where such court has granted zoning approval with conditions.

106.B. Enforcement Notice. If the *Borough/Township* has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the *Borough/Township* shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 or its successor section of the Pennsylvania Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at his discretion informally request compliance.

106.C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.

106.D. Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the State Municipalities Planning Code, as amended, are hereby incorporated by reference.

1. Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the *Borough/Township*, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the *Borough/Township* as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the *Borough/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 a District Justice determining that there

has been a violation further determines that there was a good faith basis for the person 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 by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the *Borough/Township* for the general use of the *Borough/Township*. Imprisonment is not authorized under this Ordinance.

2. **Remedies.** In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this Ordinance or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this Ordinance or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.
107. **FEES.** A *Borough/Township* fee schedule for permits and applications may be established and amended by written resolution of the *Borough Council/Board of Supervisors*. No application or appeal shall be considered filed until all fees are paid.
108. **AMENDMENTS TO THIS ORDINANCE.** Within the requirements of the Pennsylvania Municipalities Planning Code, the *Borough Council/Board of Supervisors* may amend, or repeal any or all portions of this Ordinance.
109. **CURATIVE AMENDMENTS.** The applicable provisions of the Pennsylvania Municipalities Planning Code shall apply.
110. **ZONING OFFICER.**
 - 110.A. **Appointment.** The Zoning Officer(s) shall be appointed by the *Borough Council/Board of Supervisors*. The *Borough Council/Board of Supervisors* may designate other *Borough/Township* Staff-persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the *Borough/Township*, but may hold other appointed offices.
 - 110.B. **Duties and Powers.** The Zoning Officer's duties and powers shall include the following:
 1. administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;

2. conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
3. keep records of applications, permits, certificates, written decisions and variances, and of enforcement orders, with all such records being the property of the *Borough/Township* and being available for public inspection;
4. review proposed subdivisions and land developments for compliance with this Ordinance;
5. take enforcement actions as provided by the Pennsylvania Municipalities Planning Code, as amended;
6. maintain available records concerning non-conformities; and
7. serve such other functions as are provided in this Ordinance.

111. **ZONING HEARING BOARD ACTIONS AND VARIANCES.**

- 111.A. Membership of Board. The Zoning Hearing Board shall consist of 3 residents of the *Borough/Township* appointed by the *Borough Council/Township Supervisors*. The existing terms of office shall continue, with terms of office being 3 years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the *Borough/Township* and shall not be employed by the *Borough/Township* in another capacity.

(Note - The above text needs to be revised if a 5 member Zoning Hearing Board is used.)

1. Alternate Members. The Borough Council/Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the Pennsylvania Municipalities Planning Code.
 2. Expenditures. Within the maximum amount of funds appropriated by the *Borough Council/Board of Supervisors*, the Zoning Hearing Board may employ or contract for secretaries, legal counsel, and other technical and clerical services. Members and alternate members may receive compensation, within limits established by the *Borough Council/Board of Supervisors*, for the performance of their duties.
- 111.B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- 111.C. Organization. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended shall apply.
- 111.D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:
1. Appeal of a Determination by the Zoning Officer.
 - a. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the *Borough Council/Board of Supervisors* that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.

2. Challenge to the Validity of the Ordinance or Map. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply.
3. Variance.
 - a. The Board shall hear and decide requests for variances.
 - b. Standards. The Board may grant a variance only as authorized by the Pennsylvania Municipalities Planning Code.

(Note: As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:

 - i) 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;
 - ii) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;
 - iii) Such unnecessary hardship has not been created by the appellant;
 - iv) 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
 - v) 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.)
 - c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
4. Special Exception.
 - a. The Board shall hear and decide requests for all special exceptions filed with the *Borough/Township* Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance. See Section 116.
 - b. Conditions. In granting a special exception, the Zoning Hearing 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 and intent of this Ordinance.

5. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
 - a. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended and/or applicable Pennsylvania law.
 - b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act or applicable Pennsylvania law, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
 - c. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
6. The Zoning Hearing Board shall also hear any other matters as set forth in the State Municipalities Planning Code, as amended.

111.G. Time Limits on Permits and Approvals.

1. Any applicable zoning and building permits shall be secured by the applicant within 12 months after the date a variance is approved or special exception or conditional use approval obtained, unless the municipality has approved a phasing plan allowing a longer period of time. The work authorized by zoning permits shall then be substantially completed within 12 months after the issuance of the permits.
 - a. However, if a variance is approved to address a violation of this Zoning Ordinance, then the permit shall be acquired and the work completed within 6 months after the variance is approved, with no further time extension.
2. Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 24 months after permits are issued.
3. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, all such approvals, variances and permits shall be deemed automatically rescinded by the *Borough/Township*.

111.H Multiple Applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval or before the Borough Council/Board of Supervisors for a conditional use at any time.

112. **ZONING HEARING BOARD HEARINGS AND DECISIONS**. The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

112.A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

1. Ad. Public notice shall be published, as defined by Section 107 of the State Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The *Borough/Township* Staff shall post the property. The applicant should see that such notice remains posted until the hearing and request a replacement if the notice is no longer visible.
3. Persons Given Notice. The Borough/Township shall provide written notice to the Applicant of the time and place of the hearing. The Borough/Township should also provide notice to the *President of the Borough Council/Chairperson of the Board of Supervisors* and to the primary last known owner of each lot that is abutting or immediately across the street from the subject lot. Failure to provide such notice to a lot owner or municipal official shall not be grounds for an appeal or delay. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.

112.B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.

112.C. Decision/Findings.

1. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
3. References shall be provided to the most pertinent section(s) of this Ordinance and/or the Pennsylvania Municipalities Planning Code.

112.D. Notice of Decision. A copy of the final decision or, where no decision is called for,

of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following the date of the final decision. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).

112.E. See also Section 908 of the Pennsylvania Municipalities Planning Code.

113. **APPEALS TO COURT.** The provisions for appeals to court that are stated in the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)

114. **LIMITED PUBLIC UTILITY EXEMPTIONS.** See applicable provisions of the Pennsylvania Municipalities Planning Code, as amended.

(Note: Each municipality needs to decide if they wish to exempt municipal uses and municipal authority uses from the zoning ordinance. If the zoning ordinance is silent on the matter, then these uses must comply with the zoning ordinance. Additionally, each municipality must decide how it wishes to handle utilities that are no longer within the MPC exemption because they are no longer subject to PUC regulation as a public utility, such as cell towers, wind generation facilities, radio towers, etc.)

115. **BOROUGH/TOWNSHIP AND MUNICIPAL AUTHORITY EXEMPTION.** This Zoning Ordinance shall not apply to uses or structures owned by _____ Borough/Township or by a municipal authority created solely by _____ for uses and structures that are intended for a public utility, stormwater, public recreation or public health and safety purpose.

(Note: Each municipality needs to decide whether it wishes to have their Borough Council/Board of Supervisors or their Zoning Hearing Board have the authority to decide zoning approval controversial and complex types of uses. The following text assumes that the municipality's ordinance states that some uses are decided by the Council/Supervisors, while other uses are decided upon by the Zoning Hearing Board. When the Council/Supervisors are given the authority to approve a use, it is named a conditional use, while the term special exception is used if the Zoning Hearing Board approves the use.)

116. **SPECIAL EXCEPTION USE PROCESS.**

116.A. **Purpose.** The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.

116.B. **Special Exception Procedure.**

1. A Site Plan shall be submitted, which shall contain the information required in Section 103.D.

2. The Zoning Officer shall provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
3. The Zoning Hearing Board shall follow the procedures provided in Section 112.
4. The Borough/Township Staff should offer a special exception application to the Borough/Township Planning Commission for any advisory review that the Commission may wish to provide. However, the Zoning Hearing Board shall meet the time limits of State law for a decision, regardless of whether the *Borough/Township* Planning Commission has provided comments.

116.C. Consideration of Special Exception Applications. When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:

1. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
2. Compliance with Other Laws. The approval may be conditioned upon the applicant later showing proof of compliance with other specific applicable *Borough/Township*, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the *Borough/Township* prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.
3. Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion. The Board may consider any improvements proposed to be made by the applicant.
4. Site Planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
5. Neighborhood. The proposed use shall not substantially change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.
6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
7. Natural Features. The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other sensitive natural features.

116.D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the zoning permit, and any failure to comply with said conditions shall be a violation of this ordinance.

117. **CONDITIONAL USE PROCESS.**

117.A. Purpose. The conditional use approval process is designed to allow the *Borough Council/Board of Supervisors* to review and approve certain uses that could have significant impacts upon the community and the environment.

117.B. Procedure. The Borough Council/Board of Supervisors shall consider the conditional use application and render its decision in accordance with the requirements of the Pennsylvania Municipalities Planning Code.

1. Submittal. A Site Plan shall be submitted, which shall contain the information listed in Section 103.D. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved. Or, an applicant may voluntarily choose to submit a subdivision or land development plan for review at the same time as a conditional use application.

2. Reviews.

- a. The Zoning Officer should provide a review to the Board regarding the compliance of the application with this Ordinance.
- b. The *Borough/Township* Staff shall submit a conditional use application to the Planning Commission for any review that the Commission may wish to provide. However, the *Borough Council/Board of Supervisors* shall meet the time limits for a decision, regardless of whether the Planning Commission has provided comments.

3. The only uses that shall be approved as conditional uses shall be those listed as conditional uses in Article 3.

4. Time Limit. Borough Council/Board of Supervisors shall render a written decision on each conditional use application within 45 days after the last hearing on the application or as may be provided otherwise in Section 913.2 of the State Municipalities Planning Code. For a conditional use application, the same provisions shall apply for notice of persons that apply in Section 112.A. of this Ordinance.

117.C Consideration of Conditional Use Application. The *Borough Council/Board of Supervisors* shall determine whether the proposed conditional use would meet the

applicable requirements of this Ordinance. The same standards shall apply to a conditional use as are listed in Section 116.C. for a special exception use.

- 117.D Conditions. In approving conditional use applications, the *Borough Council/Board of Supervisors* may attach conditions they consider necessary to protect the public welfare and meet the standards of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

118. **LIABILITY.**

- 118.A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the *Borough/Township* shall not constitute a representation, guarantee or warranty of any kind by the *Borough/Township*, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.

- 118.B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the *Borough/Township* shall not be liable for any later lawful withdrawal of such permit.

ARTICLE 2 DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
- F. The words "such as," "includes," "including," and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- G. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.

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

Abut or Abutting. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

Accessory Apartment. One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

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

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Adjacent. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Bookstore. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons

under age 18 under State law. If such items are within a separate room, then the 10 percent standard shall apply to the floor area of such room.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 3 or more persons at one time of moving images distinguished by an emphasis on depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

Adult Use. This term shall mean Adult Bookstore, Adult Movie Theater, Adult Live Entertainment Facility/Use or Massage Parlor. These terms shall be distinct types of uses, and shall not be allowed as part of any other use.

After Hours Club. A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Agriculture, Intensive. A use involving the raising of livestock or poultry with a concentration of animals on a lot or adjacent lots that meets the state or federal definition(s) of Concentrated Animal Feeding Operation (CAFO) or a Concentrated Animal Operation (CAO) or that includes confinement of animals that total 300 or more animal equivalent units on a lot. Animal equivalent units shall be calculated based upon the average weights provided in the State Nutrient Management regulations, on an annualized basis.

Airport. An area and related support facilities used for the landing and take-off of motorized aircraft that carry people. A "Public Airport" shall be an Airport that does not meet the definition of a "Private Airport." A Private Airport shall be limited to a maximum of 15 total landings and take-offs in any 7 day period, and shall not be available for use by the general public.

Amusement Arcade. A use involving 15 or more token or coin operated entertainment machines, and where the machines are the principal use of the property. This term shall not include an Adult Use.

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Antenna. An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, wireless internet, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

Antenna Height. The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. As defined in the State Municipalities Planning Code, a landowner or developer who has filed an application for development, including his heirs, successors and assigns.

Assisted Living Facility. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

Auto, Boat and/or Mobile/Manufactured Home Sales. This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in Section 402.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 402.

Auto Service Station. An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Section 402.

Basement. An enclosed level of a building that is not a "story" and that is partly underground.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 402.

Betting Use. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

Billboard. A type of Off-Premises Sign. See Article 7.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Borough. _____ Borough, Huntingdon County, Pennsylvania.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 803.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof.

Building Height. The vertical distance from the average of the finished ground level adjoining a building at all exterior walls to the average height of the highest roof surface. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue.

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which

does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of 5 percent. This term shall not include a Recreational Vehicle Campground.

Campground. A development under single ownership of the land with sites being rented, leased or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include associated recreational facilities.

Campground, Recreational Vehicle. A type of campground that involves persons temporarily living within recreational vehicles.

Cemetery. A place used for the burial of 2 or more non-cremated humans.

Certificate of Use. A form signed by an authorized *Borough/Township* official that certifies that the use of the property is in compliance with this Zoning Ordinance, to the best knowledge of such *Borough/Township* official.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

Church. See "Place of Worship."

Clear Cutting. A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 402. This term shall not include a "standard antenna."

A. Lattice Tower. A Commercial Communications Tower that is guyed or self-supporting with an open steel-frame structure.

B. Monopole Tower. A Commercial Communications Tower that involves a single shaft as its structural support.

Commercial District. The *C-D, C-P and C-N* Districts. *Note: Zoning district names need to be listed.*

Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Huntingdon County Model Zoning Ordinance

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Comprehensive Plan. The latest adopted Comprehensive Plan of _____, as amended. *Note - Include this term if the municipality has an adopted comprehensive plan.*

Conditional Use. A use listed as a conditional use under Section 306, which is only allowed after review by the *Borough/Township* Planning Commission and approval by *Borough Council/Board of Supervisors*, under Section 117.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Contiguous Lots. Adjacent parcels of land, including parcels separated by a stream or road.

Convenience Store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 7,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See "Agriculture, Intensive."

Curative Amendment. A process provided in the Pennsylvania Municipalities Planning Code that authorizes certain types of challenges to a Zoning Ordinance.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.
 - B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 403.
 - C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.*
 - B. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not occur within a dwelling unit, 3) does not meet the definition of a Group Day Care Home, and 4) is registered with the applicable State agency.* See Section 402.
- * Note: As of the adoption date of this Ordinance, such agency was the Pennsylvania Department of Public Welfare. See also Child Day Care Facility requirements in the Uniform Construction Code.

Density. The total number of dwelling units proposed on a lot divided by the "lot area," unless otherwise stated.

DEP. Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

District (or Zoning District). A land area within the *Borough/Township* within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. A building used as living quarters for the exclusive use of bona-fide full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university or school.

Drive-through Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home." See also "Group Home."

Dwelling Types. This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article 4 and where permitted by Article 3 and meeting the floor area requirements of Section 801.
- B. Duplex. A building that includes 2 apartment dwellings and which is not a semi-detached dwelling.
- C. Apartments or Multi-Family Dwellings. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, semi-detached dwelling or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership. If a building only includes two apartments, it shall be considered to be a Duplex.
- D. Sectional or "Modular" Home. A type of dwelling that meets a definition of any dwelling type and which was manufactured off-site and then assembled and completed on the site, and that was

constructed under the State Construction Codes and not the Federal requirements for Manufactured Housing.

- E. Single Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open yard areas on all sides.
1. Mobile/Manufactured Home. For a dwelling constructed after 1977, this term shall mean a dwelling that was constructed under the Federal construction requirements for Manufactured Housing under regulations of the U.S. Department of Housing and Urban Development. For a dwelling constructed before 1977, this term shall mean a transportable single family detached dwelling intended for permanent occupancy that is contained in one unit or two or more units designed to be joined into one 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 can be used without a permanent perimeter foundation.
This term is different from a "Sectional home," which is defined above. See standards for "Mobile/manufactured home" in Section 402.
- F. Semi-Detached Dwelling Unit. A one family dwelling unit accommodating one family that is attached to a second one family dwelling unit by a common vertical wall, with each dwelling unit on a separate lot or held in condominium ownership.
- G. Townhouse or Rowhouse. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 402.

Dwelling Unit. A single habitable living unit occupied by only one family. Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, unless approved as "Unit for Care of Relative."

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call. See provisions for this use in Section 402.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Environmentally Sensitive Areas. Areas with a slope greater than 25 percent, that are within the 100 year floodway, that have unstable soils for building construction, that are within 50 feet from the bank of a perennial waterway, wetlands, and areas identified as important natural areas in the Huntingdon County Natural Heritage Inventory.

Essential Services or "Essential Public Utility Services." Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste

disposal area or facility, commercial communications towers, a power generating station (including wind turbines), septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to 4 unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 402 residing within a licensed group home, as defined herein. Through those provisions and Section 111.D.5, the *Borough/Township's* intent is to comply with the Federal Fair Housing Act, as amended.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." See Section 403.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Flag Lot. See "Lot, Flag."

Floodplain. See definitions of this term and related terms in the *Borough/Township Floodplain Regulations*.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches, and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

Forestry. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development. See "Timber Harvesting" in this section and Section 402.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 507.

Government Facility, Other than Borough/Township-Owned. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by _____ *Borough/Township* or an authority created solely by _____ *Borough/Township*. This term shall not include uses listed separately in the table of uses in Article 3, such as "publicly owned recreation." This term shall not include a prison.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition

shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use. A Group Home typically involves an individual residing on the premises for more than 30 days at a time.

- A. Group homes shall be subject to the same limitations and regulations by the *Borough/Township* as the type of dwelling unit they occupy.
- B. It is the express intent of the *Borough/Township* to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A Group Home shall not include a "Treatment Center."
- D. See standards in Section 402.

* *NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.*

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.
- B. "Hazardous Substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. See "Building Height." To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. For height of signs, see Article 7 entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, and related support facilities. A Private Heliport shall be limited to 15 total take-offs and landings in any 7 day period, and which is not open to the general public. A Public Heliport is one that does not meet the definition of a Private Heliport.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the requirements for a Home Occupation provided in Section 403.

- A. Major Home Occupation. A Home Occupation that does not meet the additional standards for a Minor Home Occupation in Section 403.
- B. Minor Home Occupation. A Home Occupation that meets the additional standards for a Minor Home Occupation as provided in Section 403. Among other provisions, Section 403 requires that a Minor Home Occupation not routinely involve visits to the home occupation by customers or more than one non-resident employee at a time. A Minor Home Occupation also includes, but is not limited to, a use that all of the requirements for a "No Impact Home-Based Business" as provided in the State Municipalities Planning Code.

(Note - In most cases a Minor Home Occupation is permitted by right under Section 306, while in most cases a Major Home Occupation requires Zoning Hearing Board approval as a special exception.)

1. No Impact Home-Based Business - A type of Minor Home Occupation that meets the following definition as provided in the Pennsylvania Municipalities Planning Code: 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 may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - (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 25% of the habitable floor area.
 - (h) The business may not involve any illegal activity.

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, amusement arcade, gift shop, swim club, exercise facilities, tavern and similar

customary accessory amenities, and provided any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable district regulations.

Hunting and Fishing Club. Land owned by an organized group of persons formed as a club that is used for hunting, fishing, and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

Industrial District. The I-C zoning district. *Note: The zoning district(s) need to be named.*

Impervious Coverage. The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot. Impervious surfaces shall be defined as areas covered by buildings, paving or concrete, or other man-made surfaces that have a runoff coefficient of 0.85 or greater. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under the zoning ordinance.

- A. For a townhouse development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way (or cartway where a street right-of-way where not exist), as opposed to regulating each individual townhouse lot.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building and which covers over 200 square feet of land area. Examples of junk include: scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers, and scrap building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste or tree trunks, d) items clearly awaiting imminent recycling at an appropriate location, e) building materials awaiting imminent use at an on-going building, or f) "clean fill" as defined by State environmental regulations.

Junk Vehicle. Includes any vehicle or trailer that meets any of the following conditions:

- A. cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
- B. cannot be towed, in regards to a trailer designed to be towed,
- C. has been demolished beyond repair,
- D. has been separated from its axles, engine, body or chassis, and/or
- E. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

See the definition of "unlicensed vehicle" and the regulations for such in the Property Maintenance Code.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
 - 1. "Junk." (see definition) covering more than one percent of the lot area.
 - 2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage or auto service station within the requirements of Section 402.
 - 3. One or more mobile/manufactured homes that are not in a habitable condition.

B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.

Kennel. The keeping of a greater number of dogs and/or cats than are permitted under the "Pets, Keeping of" provisions of this Ordinance, and which may also include temporary keeping of other household pets. In addition, in any case, if more than 6 dogs age 6 months or older are kept, it shall be considered a Kennel.

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

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the "Keeping of Pets" section of Section 403 and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter. See also "Agriculture, Intensive."

Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The term "lot" shall mean a lot of record according to official County records. If lands are separated by a street, then each side of the street shall be considered a separate lot. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets.

Lot, Flag. A lot that does not meet the required minimum lot width at the minimum front yard building setback line, and which typically includes a narrow stretch of land connecting the bulk of the lot area to a street.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than one lot. (Note: Other sections of this Ordinance, such as Townhouse Development, may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot. (Note: Other sections of this Ordinance, such as Open Space Development, may specifically permit proposed common open spaces to be included in determining density for a specific use.)
- C. Features required to be excluded from "Lot Area" under Article 3 of this Ordinance.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- nt

street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.

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

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

Massage Parlor. A type of "Adult Use" that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See Section 402. See also "After Hours Club" and "Hunting and Fishing Clubs," which are distinct uses.

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

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park." See Section 402.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, as reenacted and amended.

Nightclub. An establishment that offers amplified live music performances or amplified music for dancing after 12 midnight, sells alcoholic beverages primarily for on-site consumption, includes hours open to patrons after 12 midnight, and has a building capacity of over 150 persons.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 805.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s). A use granted by variance is not a nonconforming use. See Section 805.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 402.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios, and/or television or radio broadcasting studios.

Open Space, Preserved or Common. A parcel or parcels of land within a tract which meets all of the following standards:

(Note – This definition needs to be consistent with any related definition in a Subdivision and Land Development Ordinance. Many SALDOs require recreation land, which may overlap common open space, but is not necessarily the same.)

- A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public, or is approved to be preserved for another municipally-approved open space use such as agriculture,
- B. is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- C. will be deeded to the *Borough/Township* and/or preserved by a deed restriction or conservation easement to permanently prevent uses of land other than "preserved open space" and non-commercial recreation, and
- D. does not use any of the following areas to meet minimum preserved open space requirements:
 - 1) existing street rights-of-way,
 - 2) vehicle streets or driveways providing access to other lots,
 - 3) land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings

- and a farmstead which are permitted within land approved by the *Borough/Township* for agricultural preservation),
- 4) off-street parking (other than that clearly intended for noncommercial recreation),
 - 5) area(s) needed to meet a requirement for an individual lot,
 - 6) for land intended to be open to the public, that does not have provisions for entry with a 15 foot minimum width by pedestrians from a street open to the public or from adjacent preserved open space that has access to such a street,
 - 7) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of *Borough Council/Board of Supervisors* would: a) be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions or b) serve as a scenic asset resembling a natural pond,
 - 8) portions of land that have a width of less than 50 feet,
 - 9) areas that are under water during normal weather conditions,
 - 10) areas that are under electric transmission lines that are designed for a capacity of 35 kilovolts or greater.
- E. Each square foot of preserved open space that is of 25 percent or greater slopes and each square foot within the 100 year floodplain shall only count as one-half square foot for the purposes of determining the amount of preserved open space.

Open Space Development. An optional type of residential development that involves the permanent preservation of preserved open space, and that places dwellings on the most suitable portions of a tract, on lots that are typically smaller than would otherwise be allowed with conventional development. See Section 311.

Ordinance. This. *The _____ Borough/Township Zoning Ordinance*, including the Official Zoning Map, as amended.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal Care Home or Center. Shall mean "Assisted Living Facility."

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

Pets. Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Section 403.

Picnic Grove, Commercial. An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship for more than 10 persons at a time and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 402.

Principal Building. A "Principal Structure" which is also a "building."

Principal Structure. The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice. Notice required by the PA Municipalities Planning Code. (See definition in Section 107 of such law.)

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses. This term shall not include any use listed separately as a distinct use by Section 306.
- B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Section 306, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling, and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a *Borough/Township*-owned use, or an emergency services station.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, third, or more distant cousins. See definition of "Dwelling Unit."

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential District(s). The R-C, R-S, R-U and R-HD Zoning Districts. *Note: The District names need to be inserted.*

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use on a lot of less than 10 acres , or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. See "Drive-Through Service" in this section.

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

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the *Borough/Township* or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 803.D.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

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

Sewage Service, Central. Sanitary sewage service to a building by a *Borough/Township*-approved sewage collection and disposal system that serves 5 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Central Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public. Central sanitary sewage service by a system owned and/or operated by a municipality or a municipal authority.

Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 803.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in Article 7. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Sign Area. See Article 7.

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Site Alterations. This term shall include one or more of the following activities:

- A. Filling of lakes, ponds, marshes or floodplains or alteration of watercourses;
- B. Clearing and regrading of more than one-half acre, other than selective thinning of existing vegetation or trees.

Square. An area of landscaped common open space within a Neighborhood Design Option Development that abuts streets on 2 or more sides and that includes decorative lighting and may include non-commercial recreation areas.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may

not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, or septage or sludge application.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 116.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of 'Adult Use.'

State. The Commonwealth of Pennsylvania and its agencies.

Story. A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6.5 feet or greater shall be considered a full story, except as follows: If the floor of a basement level is more than 6 feet below the finished grade level for more than 50 percent of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than 6.5 feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of vehicle access to 2 or more lots or that is an expressway, but not including an alley or a driveway. The terms "street," "highway," and "road" have the same meaning and are used interchangeably.

Structure. Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, utility poles, stormwater basins, wells, paving, and septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements unless stated otherwise.

Subdivision. The definition in the State Municipalities Planning Code shall apply.

Subdivision Ordinance or Subdivision & Land Development Ordinance. The _____
Borough/Township Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. See Section 403.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of an "after-hours club" or a "nightclub." The sale of food may also occur. See the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire Storage. Bulk. The storage of more than 20 used tires on a lot, except that a tire retail store may include the temporary storage of up to 100 used tires awaiting disposal on a lot without being regulated by this term. See "Outdoor Storage" in Section 403.

Townhouse. See "Dwelling Types."

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby, and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school, or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Treatment Center. A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. criminal rehabilitation, such as a criminal halfway house;
- B. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
- C. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

See standards in Section 402. Also, a group home that exceeds the number of residents allowed by this Ordinance within a Group Home shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Section 403.

Unlicensed Vehicle. Any motor vehicle or trailer that does not display a license plate with a current registration sticker or does not have a valid State safety inspection sticker. The requirement for a safety inspection sticker shall not apply to vehicles (such as licensed antique cars and trailers of less than 3,000 pounds aggregate gross vehicle weight) for which State regulations do not require such a sticker. The term shall not include a motor vehicle displaying an inspection sticker that expired less than 30 days previously. See the regulations of the Property Maintenance Code.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage, or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand, or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA Municipalities Planning Code. See Section 111.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

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

Water Service, Central. Water supply service to a building by a *Borough/Township*-approved water supply system that serves 20 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Central Water Service, such as but not limited to an individual on-lot well.

Water Service, Public. Central water service by a system owned and/or operated by a municipality or a municipal authority.

Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

Yard. An open area unobstructed from the ground to the sky that is not permitted to be covered by buildings and principal structures and that is on the same lot as the subject structure or use. A minimum yard is also known as a minimum setback. Each required yard shall be measured inward from the abutting "lot line" or existing street right-of-way (as exists after completion of any subdivision or land development). Regulations of each district prohibit principal and accessory structures within the specified minimum yards.

- A. See yard/setback exceptions in Section 803.B.
- B. Private Streets. For a building setback measured from a private street, the setback shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front or "Front Setback." A "yard" measured from and running parallel to the front lot line or street right-of-way line (as exists after the completion of any subdivision or land development). Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.
- B. See Section 803 concerning yards along corner lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
- D. Every lot shall include at least one front lot line.

Yard, Rear or "Rear Setback."

- A. A "yard" extending the full width of the lot and which is measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.

Huntingdon County Model Zoning Ordinance

C. Every lot shall include a rear lot line and a rear yard.

Yard, Side or "Side Setback."

- A. A "yard" which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Ordinance.
- C. See "Corner Lot" provision in Section 803.B.
- D. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

Zoning Map. The Official Zoning Map of _____ *Borough/Township*, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The _____ *Borough/Township* Zoning Ordinance, as amended.

Note – Municipalities are encouraged to select the zoning districts that relate to their own situations. The area assigned to a particular district should be commensurate with physical conditions (such as areas with prime agricultural lands or steep slopes or areas currently occupied by business uses). A municipality should also provide sufficient land area to support the anticipated residential growth and the land area needed to support local business needs. A municipality does not need to include every zoning district in this model ordinance. A municipality may decide to simplify many portions of this model ordinance in consideration of local attitudes and the available staff.

ARTICLE 3 DISTRICTS

301. DESIGNATION OF DISTRICTS AND PURPOSES.

- A. For the purpose of this Ordinance, _____ Borough/Township is hereby divided into the following zoning districts, with the following abbreviations:

AC	Agricultural Conservation District
R-C	Residential Conservation District
R-R	Rural Residential District
R-LD	Low Density Residential District
R-S	Residential Suburban District (<i>Note - Could be named Medium Density Residential.</i>)
R-U	Residential Urban District (<i>Note – This is mainly intended for boroughs.</i>)
R-HD	Residential High Density (<i>Note – This is not likely to be used in rural townships.</i>)
C-N	Commercial Neighborhood District (<i>Note - Could be named Village, particularly in more rural areas.</i>)
C-D	Commercial Downtown District (<i>Note – This is mainly applicable in larger boroughs.</i>)
C-G	Commercial General District (<i>Note - Provide for all types of commercial uses, including heavier uses such as gas stations, auto sales and auto repair. This district should mainly be used along highways, in locations that do not include historic buildings and are not near residential neighborhoods.</i>)
I-L	Light Industrial District (<i>Note - A municipality may decide to allow some or all commercial uses in an industrial district. If this district is intended to allow a mix of very light industrial uses with interior roads, then it might be named a Business Park District.</i>)
I-G	General Industrial District (<i>Note - Many municipalities can function with a single industrial district. However, in other cases, it is valuable to only allow the heavier and more intense industrial uses into a single area of the municipality, using a General Industrial District.</i>)

- B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the “Official Zoning Map.”

C. Overlay Districts.

1. Historic Overlay District (*Note - This is an option if the municipality has a concentration of historic buildings and wishes to discourage the demolition of those buildings.*)

2. The Floodplain Area, as defined by Article 5, shall serve as an overlay district to the applicable underlying districts.

(Note - A municipality may consider other overlay districts as appropriate. However, overlay districts can result in complexity and uncertainty over which provisions apply.)

- D. Purposes of Each District. In addition to serving the overall purposes and objectives of this Ordinance and the Comprehensive Plan, each zoning district is intended to serve the following purposes:

1. AC Agricultural Conservation District. - To promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. This zone also intends to protect and stabilize the Township's viable agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses not requiring community water and sewer. Consequently, residential uses are limited and any residents in this zone must be willing to accept the impacts associated with normal farming practices, and related businesses. Land consumptive non-agricultural uses are not allowed.
2. R-C Residential Conservation District. To provide for development with a density of approximately one dwelling unit per two acres in areas that include significant important natural features, such as wetlands, creeks, flood-prone lands and steeply sloped areas. To provide incentives and a certain amount of flexibility in lot layout through conservation-oriented development so that development can be clustered on the most suitable portions of a tract of land, while avoiding overly intense development and protecting the natural features.
3. RR Rural Residential District - To provide for rural types of development at approximately one dwelling unit per acre, in a manner that protects creeks and other natural features. To avoid conflicts with nearby agricultural areas and recognize sewage limitations. To provide incentives and a certain amount of flexibility in lot layout through conservation-oriented development so that development can be clustered on the most suitable portions of a tract of land, while avoiding overly intense development.
4. R-LD Residential Low Density District - To provide for residential development at a density of from one to four dwelling units per acre in residential neighborhoods that are primarily composed of single family detached dwellings. To protect these areas from incompatible uses.
5. R-S Residential Suburban District or R-M Medium Density Residential District. To provide for residential development at a density of approximately one to four dwellings per acre in residential neighborhoods that are primarily composed of single family detached dwellings. To protect these areas from incompatible uses.
6. R-U Residential Urban District. To provide for residential development at a density of from one to six dwelling units per acre in residential neighborhoods with a mix of housing types. To protect these areas from incompatible uses. To meet requirements of State law to provide opportunities for various housing types.

7. R-HD Residential High Density District. To provide for a range of housing types at a density of greater than 6 dwelling units per acre. *(Note – could add “with some complementary light commercial uses, if they are allowed.”)*
8. C-D Commercial Downtown District. To provide business opportunities while seeking to develop a central community focus for the *Borough*. To promote a pedestrian-friendly and bicycle-friendly environment. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid heavy commercial uses that are most likely to conflict with the historic and scenic character, and most likely to cause conflicts with homes.
9. V Village District - To provide for a mix of housing and light business uses in a manner that encourages reuse of older buildings and avoids conflicts between homes and intensive commercial uses. To primarily provide for smaller-scale uses that will not be obtrusive in the landscape and that will not overload the road system.
10. C-G Commercial General District. To provide for a wide range of commercial uses, particularly in areas that are not historic, within a downtown or adjacent to residential neighborhoods. *(Note - If a municipality has few commercial areas, a single commercial district may be appropriate.)*
11. C-N Commercial Neighborhood District. To provide for lighter types of commercial uses that will be compatible with nearby homes.
12. I-L Light Industrial District. To provide for industrial and a few types of commercial development in a manner that is compatible with any nearby homes and the surrounding environment. To carefully control the types of industrial operations to avoid nuisances and environmental hazards.
13. I-G General Industrial District. To provide for a wide range of industrial uses. To carefully control the types of industrial operations to avoid nuisances and environmental hazards.
14. HD Historic Overlay District. See Section _____. *Note - This optional provision should only be included if the municipality contains a concentration of historic buildings and the municipality wishes to discourage demolition of those buildings.*

302. APPLICATION OF DISTRICT REGULATIONS.

- A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the

effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

- D. **Boundary Change.** Any territory which may hereafter become part of the *Borough/Township* through annexation or a boundary adjustment shall be classified as the ____ zoning district of ____ *Borough/Township* until or unless such territory is otherwise classified by the *Borough Council/Board of Supervisors*.

303.ZONING MAP.

- A. A map entitled “____ Zoning Map” accompanies this Ordinance and is declared a part of this Ordinance. The Official Zoning Map, which should bear the adoption date of this Ordinance and the words “Official Zoning Map,” shall be retained in the *Borough/Township* Building.
- B. **Replacement Map.** If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, *Borough Council/Board of Supervisors* may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

304.DISTRICT BOUNDARIES. The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds’ office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) is located, unless otherwise provided by applicable case law.

305.SETBACKS ACROSS MUNICIPAL BOUNDARIES.

- A. **Intent.** To continue the objective of compatible land uses across municipal boundaries.

- B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district. These same additional setback and buffer yard provisions shall be provided by uses proposed within _____ *Borough/Township* regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in _____ *Borough/Township*.

306. TABLE OF ALLOWED USES IN EACH ZONING DISTRICT.

- A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:

P	=	Permitted by right use (zoning decision by Zoning Officer)
SE	=	Special exception use (zoning decision by Zoning Hearing Board)
C	=	Conditional use (zoning decision by <i>Borough Council/Board of Supervisors</i>)
N	=	Not Permitted
(S. 402)	=	See Additional Requirements in Section 402
(S. 403)	=	See Additional Requirements in Section 403

- B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance.

See Section 105.B. generally provides a process for approval of a use that is not listed based upon similarity to permitted uses and other criteria.

Except as provided in Section 105.B., any other principal use that is not specifically listed as P, C or SE in the applicable district in this table is prohibited in that district. For manufacturing uses, the types of uses listed in this Section correspond approximately to the categories of the North American Industrial Classification System, as may be amended and retitled from time to time, administered by the US Department of Commerce. In case of question about the categorization, such system shall be consulted.

306.B.1 Allowed Uses in Primarily Residential Zoning Districts

TYPES OF USES (See definitions in Article 2)					
	R-C or R-R	R-S or R-LD	R-U	R-HD	AC
a. RESIDENTIAL USES					
Single Family Detached Dwelling: (Note - Manufactured/mobile homes shall also meet the additional requirements of Section 402)	P	P	P	P	P
Open Space Development Option in compliance with Section 311.	C	N	N	N	N
Semi-Detached Dwelling (side-by-side)	N	P	P	P	N
Townhouse (Rowhouse) (S. 402)	N	P	P	P	N
Apartments (S. 402), not including conversions of an existing building:					
- Only 2 Dwelling Units in a Building ("Duplex")	N	N	P	P	N
- 3 or More Dwelling Units in a Building	N	N	P	P	N
Manufactured/Mobile Home Park (S. 402)	N	N	N	SE	N
Boarding House (includes Rooming House) (S. 402)	N	N	N	N	N
Group Home within a lawful existing dwelling unit (S.402), not including a Treatment Center	P	P	P	P	P
Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (See also "Unit for Care of Relative" under Accessory Uses)	N	N	N	SE	N
b. COMMERCIAL USES					
Bed and Breakfast Inn (S. 402)	N	P	P	P	P
Camp (S. 402), not including Recreational Vehicle Campground	C	N	N	N	P
Communications Tower/Antennae, Commercial (S. 402)					
- Meeting Section 402.A.15.a. pertaining to antenna placed on certain existing structures	P	P	P	P	P
- Antennae/tower that does not meet Section 402. A.15.a. (such as freestanding towers)	SE	N	N	N	SE

- P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by *Borough Council/Board of Supervisors*)
 N = Not permitted
 (S. 402)= See Additional Requirements in Section 402
 (S. 403)= See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	R-C or R-R	R-S or R-LD	R-U	R-HD	AC
b. <u>COMMERCIAL USES (Cont.)</u>					
Golf Course (S. 402), with a minimum lot area of 40 acres	P	N	N	N	P
Plant Nursery or Tree Farm, with any on-site retail sales limited to trees and shrubs primarily grown on the premises, and with a 5% maximum building coverage and a 2 acre minimum lot area	P	P	P	P	P
c. <u>INSTITUTIONAL / SEMI-PUBLIC USES</u>					
Cemetery (not including Crematorium) (S. 402)	P	P	P	P	P
Church - See Place of Worship below					
College or University - Educational & Support Bldgs. (See also Residential Uses)	N	N	N	N	N
Community Recreation Center or Library	P	P	P	P	P
Cultural Center or Museum	SE	N	SE	SE	SE
Day Care Center, Adult (S. 402)	N	N	SE	SE	N
Day Care Center, Child (S. 402) (See also as an accessory use)	N	N	SE	SE	N
Emergency Services Station, which may include an accessory bingo and banquet hall	N	N	SE	SE	SE
Hunting and Fishing Club, with a 5% maximum building coverage in a residential districts. This term shall not include uses listed separately in this Section 306.	P	P	P	P	P
Membership Club meeting and non-commercial recreational facilities, provided that an "After Hours Club", "Tavern" or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met.	SE	N	N	N	SE

- P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by *Borough Council/Board of Supervisors*)
 N = Not permitted
 (S. 402)= See Additional Requirements in Section 402
 (S. 403)= See Additional Requirements in Section 403

Huntingdon County Model Zoning Ordinance

TYPES OF USES (See definitions in Article 2)	R-C or R-R	R-S or R-LD	R-U	R-HD	AC
<u>c. INSTITUTIONAL / SEMI-PUBLIC USES (Cont.)</u>					
Nursing Home or Personal Care Home/Assisted Living (S. 402), with a minimum lot size of 1 acre	N	SE	SE	P	N
Place of Worship (S. 402) (includes Church)	SE	SE	SE	SE	SE
School, Public or Private, Primary or Secondary (S. 402)	SE	P	P	P	N
<u>d. PUBLIC/SEMI-PUBLIC</u>					
Borough/Township Government Uses, other than uses listed separately in this Section 306	P	P	P	P	P
Government Facility, other than uses listed separately in this Section 306	SE	SE	SE	SE	SE
Publicly Owned or Operated Recreation Park	P	P	P	P	P
Public Utility Facility (See also Section 114) other than uses listed separately in this Section 306	SE	SE	SE	SE	SE
Swimming Pool, Non-household (S. 402)	SE	SE	SE	SE	SE
U.S. Postal Service Facility, which may include a leased facility	N	N	N	N	N
<u>e. ACCESSORY USES</u>					
See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use"					
See Additional Requirements in Section 403 for Specific Accessory Uses					
Composting, other than leaves or materials generated on-site (S. 403)	SE	N	N	N	SE
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship	P	P	P	P	P
Day Care (S. 403) as accessory to a dwelling:					
– Day care of a maximum of 3 adults or youth, in addition to "Relatives" of the caregiver	P	P	P	P	P
– Group Day Care Home	N	N	SE	SE	SE
– Family Day Care Home	N	SE	SE	SE	SE
Home Occupation, Major (S. 403)	SE	SE	SE	SE	SE
Home Occupation, Minor (S. 403)	P	P	P	P	P
Retail Sales of Agricultural Products (S. 403)	P	P	N	N	P
Temporary Retail Sales- only allowed if complies with Section 103.G.					
Unit for Care of Relative (S. 403)	P	P	P	P	P

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Borough Council/Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	R-C or R-R	R-S or R-LD	R-U	R-HD	AC
f. MISCELLANEOUS USES					
Crop Farming	P	P	P	P	P
Forestry - See Timber Harvesting below.					
Greenhouse, Wholesale	P	N	N	N	P
Nature Preserve or Environmental Education Center	P	P	P	P	P
Parking Lot as the Principal Use of a Lot	N	N	N	N	N
Agriculture, Intensive or Poultry, Raising of (S. 402)					
- Not Intensive	P	P	N	N	P
- Intensive	N	N	N	N	SE
Sewage Sludge/Biosolids, Land Application of (S. 403)	P	N	N	N	P
Sewage Treatment Plant	C	N	N	N	N
Stable, Non-Household (S. 402; includes horse-riding academy)	P	N	N	N	P
Timber Harvesting (S. 402)	P	P	P	P	P
Windmills:					
-Maximum of one on a lot that is designed primarily for on-site electricity use, and which shall be required to have a setback equal to the total height from all lot lines, except that if placed above a building, only the height of the pole and windmill needs to be setback from lot lines:	P	P	P	P	P
-Windmill(s) designed primarily for generating electricity for off-site use (S. 402)	SE	N	N	N	SE
All Uses that will be unable to comply with the performance standards of this ordinance. See the "Environmental Protection" requirements of Article 5	N	N	N	N	N

- P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by *Borough Council/Board of Supervisors*)
 N = Not permitted
 (S. 402)= See Additional Requirements in Section 402
 (S. 403)= See Additional Requirements in Section 403

306.B.2 Allowed Uses in Primarily Business Zoning Districts

TYPES OF USES (See definitions in Article 2)	C-D	C-N or V	I-G & I-L	C-G
a. RESIDENTIAL USES				
Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 402)	P	P	N	P
Semi-Detached Dwelling (side-by-side)	P	P	N	N
Townhouse (Rowhouse) (S. 402)	P	P	N	N
Apartments (S. 402), other than conversions of an existing building	P*	P*	N	N
Boarding House (includes Rooming House) (S. 402)	N	N	N	N
Manufactured/Mobile Home Park (S. 402)	N	N	N	N
Group Home within a lawful existing dwelling unit (S.402), not including a Treatment Center	P	P	P	P
Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (See also "Unit for Care of Relative" under Accessory Uses)	P*	P*	N	P*
b. COMMERCIAL USES				
Adult Use (S. 402)	N	N	C	N
After Hours Club - To the extent the use is not prohibited by State Act 219 of 1990.	N	N	C	N
Airport (S. 402) (see also "Heliport")	N	N	C	N
Amusement Arcade	P	P	N	P
Amusement Park or Water Park	N	N	P	P
Animal Cemetery (S. 402)	N	N	P	P
Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center	N	N	P	P
Auto Repair Garage or Auto Service Station (S. 402)	N	N	SE	SE
Auto, Boat or Mobile/Manufactured Home Sales (S. 402)	N	N	SE	SE
Bakery, Retail	P	P	P	P
Bed and Breakfast Inn (S. 402)	P	P	P	P
Betting Use, in compliance with State law	N	N	C	N
Beverage Distributor (wholesale and/or retail)	P	P	N	P
Bus Maintenance or Storage Yard	N	N	P	P

* = Apartments shall be limited to being in the same building as a principal commercial use that is on the street level.

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by *Borough Council/Board of Supervisors*)

N = Not permitted

(S. 402)= See Additional Requirements in Section 402

(S. 403)= See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	C-D	C-N or <i>V</i>	I-G & <i>I-L</i>	C-G
b. COMMERCIAL USES (Cont.)				
BYOB Club	N	N	SE	N
Camp (S. 402) other than Recreational Vehicle Campground	N	N	P	P
Campground, Recreational Vehicle (S. 402), which may include an accessory camp store that is primarily for use by campers	N	N	P	P
Car Wash (S. 402)	N	SE	P	P
Catering, Custom, for Off-Site Consumption	P	P	P	P
Communications Tower/Antennae, Commercial (S. 402)				
- Meeting Section 402.A.15.a. pertaining to antenna placed on certain existing structures	P	P	P	P
- Antennae/tower that does not meet Section 402.A.15.a. (such as freestanding towers)	N	N	SE	N
- Note - Section 402.A.15 also allows towers serving emergency services stations				
Conference Center	P	P	P	P
Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 803.	SE**	P	P	P
Crafts or Artisan's Studio (see also as Home Occupation)	P	P	P	P
Custom Printing, Copying, Faxing, Mailing or Courier Service	P	P	P	P
Exercise Club	P	P	P	P
Financial Institution (S. 402; includes banks), with any "Drive-through" facilities meeting Section 403	P	P	P	P
Flea Market/ Auction House	P	P	P	P
Funeral Home (S. 402)	P	P	P	P
Garden Center, Retail (see also "Wholesale Greenhouses")	P	P	P	P
Gas Station - See Auto Service Station				
Heliport (S. 402)	N	N	SE	N
Hotel or Motel (S. 402)	P	P	P	P

** = A maximum of 25% of lot shall be used for outdoor storage, which shall be screened from view of streets and other lots.

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by *Borough Council/Board of Supervisors*)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

Huntingdon County Model Zoning Ordinance

TYPES OF USES (See definitions in Article 2)	C-D	C-N or V	I-G & I-L	C-G
b. COMMERCIAL USES (Cont.)				
Kennel (S. 402)	N	N	SE	N
Laundromat	P	P	P	P
Laundry, Commercial or Industrial	N	N	P	N
Lumber Yard	N	N	P	P
Motor Vehicle Racetrack (S. 402)	N	N	SE	N
Nightclub (S. 402)	N	N	SE	SE
Office (May include medical labs, see also Home Occupations)	P	P	P	P
Pawn Shop	N	N	SE	N
Personal Services (includes tailoring, custom dressmaking, haircutting/styling, travel agency, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses) (See also Home Occupation)	P	P	P	P
Picnic Grove, Commercial (S. 402)	N	N	P	P
Plant Nursery (other than a Retail Garden Center)	P	P	P	P
Propane Retail Distributor, other than pre-packaged sales, with a 150 feet minimum setback required between any storage or dispensing facilities and any residential district, and with fire company review.	N	N	SE	N
Recording Studio, Music	P	P	P	P
Recreation, Commercial Indoor (S. 402) (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in this Section 306	SE	P	P	P
Recreation, Commercial Outdoor (including miniature golf course, golf driving range, archery, paintball and closely similar uses); other than uses listed separately in this Section 306	N	SE	P	P
Repair Service, Household Appliance	P	P	P	P
Restaurant or Banquet Hall (S. 402)				
– with drive-through service (S. 403)	N	SE	N	P
– without drive-through service	P	P	N	P
Retail Store (not including uses listed individually in this Section 306) or Shopping Center	P	P	P*	P
Self-Storage Development	N	P	P	P

* = Limited to within a building that existed prior to the enactment of this Ordinance.

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by *Borough Council/Board of Supervisors*)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	C-D	C-N or V	I-G & I-L	C-G
b. COMMERCIAL USES (Cont.)				
Target Range, Firearms				
- Completely indoor and enclosed	N	P	P	P
- Other than above (S. 402)	N	N	SE	N
Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses)	N	N	N	SE
Tavern which may include a State-licensed micro-brewery (not including an After Hours Club or Nightclub)	SE	N	N	SE
Theater, Indoor Movie, other than an Adult Use	P	P	N	P
Trade/ Hobby School	P	P	P	P
Veterinarian Office (S. 402)	P	P	P	P
Wholesale Sales - see under Industrial Uses				
c. INSTITUTIONAL/ SEMI-PUBLIC USES				
Cemetery (see Crematorium listed separately)	P	P	P	P
College or University - Educational and Support Buildings (other than environmental education center)	P	P	P	P
Community Recreation Center (limited to a government sponsored or non-profit facility) or Library	P	P	P	P
Crematorium	N	N	SE	N
Cultural Center or Museum	P	P	P	P
Day Care Center, Adult (S. 402)	P	P	P	P
Day Care Center, Child (S. 402) (See also as an accessory use)	P	P	P	P
Emergency Services Station	P	SE	SE	SE
Hospital or Surgery Center	SE	SE	P	P
Membership Club meeting and non-commercial recreational facilities, provided that an "After Hours Club", "Tavern" or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met.	P	P	P	P

- P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by *Borough Council/Board of Supervisors*)
 N = Not permitted
 (S. 402)= See Additional Requirements in Section 402
 (S. 403)= See Additional Requirements in Section 403

Huntingdon County Model Zoning Ordinance

TYPES OF USES (See definitions in Article 2)	C-D	C-N or V	I-G & I-L	C-G
<u>c. INSTITUTIONAL / SEMI-PUBLIC USES (Cont.)</u>				
Nursing Home or Personal Care Home/Assisted Living (S. 402)	P	P	P	P
Place of Worship (S. 402) (includes Church)	P	P	P	P
School, Public or Private, Primary or Secondary (S.402)	P	P	P	P
Treatment Center for Methadone, which shall meet setback requirements of the Municipalities Planning Code	N	N	SE	N
Treatment Center (S. 402)	N	N	SE	N
<u>d. PUBLIC/SEMI-PUBLIC</u>				
<i>Borough/Township</i> Government Uses, other than uses listed separately in this Section 306	P	P	P	P
Government Facility, other than uses listed separately in this Section 306	SE	SE	SE	SE
Prison or Similar Correctional Institution	N	N	SE	N
Publicly Owned or Operated Recreation Park	P	P	P	P
Public Utility Facility (See also Section 114) other than uses listed separately in this Section 306	SE	SE	SE	SE
Swimming Pool, Non-household (S. 402)	P	P	P	P
U.S. Postal Service Facility, which may include a leased facility.	P	P	P	N
<u>e. INDUSTRIAL USES</u>				
Asphalt Plant	N	N	SE in I-G N in I-L	N
Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)	N	N	P	N
Building Supplies and Building Materials, Wholesale Sales of	N	N	P	P
Distribution as a principal use (other than Trucking Company Terminal)	N	N	P	N
Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	N	P	N
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N
Junk Yard (S. 402)	N	N	SE in I-G N in I-L	N

- P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by *Borough Council/Board of Supervisors*)
 N = Not permitted
 (S. 402) = See Additional Requirements in Section 402
 (S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	C-D	C-N or <i>V</i>	I-G & <i>I-L</i>	C-G
<u>e. INDUSTRIAL USES (Cont.)</u>				
Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor as listed separately, pre-packaged sales or fuel tanks for company vehicles	N	N	SE in I-G N in I-L	N
Manufacturing, Custom, of Prototypes or Accessory Manufacturing in Combination With Principal Research and Development, with a minimum lot size of 8,000 sq. ft.	SE	SE	P	SE
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:				
- Agricultural Chemicals, Fertilizers or Pesticides	N	N	SE	N
- Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	N	P	N
- Cement Manufacture	N	N	SE	N
- Ceramics Products (other than Crafts Studio)	N	N	P	N
- Chemicals, Manufacture or Bulk Processing of, other than pharmaceuticals and types listed separately	N	N	N in I-L SE in I-G	N
- Clay, Brick, Tile and Refractory Products	N	N	P	N
- Computers and Electronic and Microelectronic Products	N	N	P	N
- Concrete, Cement, Lime and Gypsum Products, other than actual manufacture of cement	N	N	SE	N
- Electrical Equipment, Appliances and Components	N	N	P	N
- Explosives, Fireworks or Ammunition	N	N	N	N
- Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops	N	N	P	N
- Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale	N	N	P	N
- Food Products for animals	N	N	SE	N
- Gaskets	N	N	P	N
- Glass and Glass Products (other than Crafts Studio)	N	N	P	N

- P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by *Borough Council/Board of Supervisors*)
 N = Not permitted
 (S. 402)= See Additional Requirements in Section 402
 (S. 403)= See Additional Requirements in Section 403

Huntingdon County Model Zoning Ordinance

TYPES OF USES (See definitions in Article 2)	C-D	C-N or <i>V</i>	I-G & <i>I-L</i>	C-G
<u>e. INDUSTRIAL USES (Cont.)</u>				
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:				
- Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility)	N	N	N	N
- Jewelry and Silverware	N	N	P	N
- Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	P	N
- Machinery	N	N	P	N
- Manufactured or Modular Housing Manufacture	N	N	P	N
- Medical Equipment and Supplies	N	N	P	N
- Metal Products, Primary	N	N	SE	N
- Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	SE	N
- Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	N	P	N
- Paper - Raw Pulp	N	N	SE in I-G N in I-L	N
- Paving Materials, other than bulk manufacture of asphalt	N	N	SE	N
- Pharmaceuticals and Medicines	N	N	P	N
- Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Sealants, Printing Ink or Photographic Film	N	N	SE	N
- Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	P	N
- Prototypes - see Manufacture, Custom above				
- Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber	N	N	SE	N
- Scientific, Electronic and Other Precision Instruments	N	N	P	N
- Sporting Goods, Toys, Games, Musical Instruments or Signs	N	N	P	N
- Transportation Equipment	N	N	P	N
- Wood Products and Furniture (not including raw paper pulp)	N	N	P	N

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by *Borough Council/Board of Supervisors*)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	C-D	C-N or <i>V</i>	I-G & <i>I-L</i>	C-G
---	-----	--------------------	---------------------	-----

e. INDUSTRIAL USES (Cont.)

- See Section 105 for uses that are not listed

Mineral Extraction (S. 402) and related processing, stock-piling and storage of materials removed from the site	N	N	C	N
Packaging	N	N	P	N
Package Delivery Services Distribution Center	N	N	P	N
Petroleum Refining	N	N	SE	N
Photo Processing, Bulk	N	P	P	N
Printing or Bookbinding	N	P	P	N
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility)	N	N	P	N
Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use)	N	N	P	N
Sawmill/ Planing Mill	N	N	P	N
Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines	N	N	SE in I-G N in I-L	N
Solid Waste Landfill (S. 402)	N	N	SE in I-G N in I-L	N
Solid Waste Transfer Facility or Waste to Energy Facility (S. 402)	N	N	SE in I-G N in I-L	N
Trucking Company Terminal (S. 402)	N	N	SE	N
Warehousing or Storage as a principal use	N	N	P	N
Warehousing or Storage as an on-site accessory use	P	P	P	N
Welding	N	N	P	N
Wholesale Sales (other than Motor Vehicles)	N	SE	P	N

f. ACCESSORY USES

See list of additional permitted uses in Section 306.C.,

such as "Residential Accessory Structure or Use"

See Additional Requirements in Section 403 for Specific Accessory Uses

Bees, Keeping of (S. 403)	SE	SE	SE	SE
---------------------------	----	----	----	----

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by *Borough Council/Board of Supervisors*)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

Huntingdon County Model Zoning Ordinance

TYPES OF USES (See definitions in Article 2)	C-D	C-N or <i>V</i>	I-G & <i>I-L</i>	C-G
<u>f. ACCESSORY USES (Cont.)</u>				
Composting (S. 403), other than leaves, tree bark or materials generated on-site which are permitted by right	N	N	SE	N
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship	P	P	P	P
Day Care (S. 403) as accessory to an existing dwelling:				
- Day care of a maximum of 3 adults or youth, in addition to "Relatives" of the caregiver	P	P	P	P
Day Care (S. 403) as accessory to a dwelling:				
- Group Day Care Home	SE	SE	P	P
- Family Day Care Home	SE	SE	P	P
Home Occupation, Major (S. 403)	P	P	P	P
Home Occupation, Minor (S. 403)	P	P	P	P
Outdoor Storage and Display as accessory to a business use shall also comply with Sections 403, 803 and 804	P**	P	P	P
Parking Lot for Carpooling (see also Miscellaneous Uses below)	P	P	P	P
Temporary Retail Sales - See Section 103.G.	P	P	P	N
Unit for Care of Relative (S. 403)	P	P	P	P
<u>g. MISCELLANEOUS USES</u>				
Crop Farming and Wholesale Greenhouses	P	P	P	P
Nature Preserve or Environmental Education Center	P	P	P	P
Parking Lot or Structure as an accessory use	P	P	P	P
Parking Lot or Structure as a principal use that does not primarily serve tractor-trailer trucks or trailers	P	P	P	P
Parking Lot or Structure as a principal use that primarily serves tractor-trailer trucks or trailers	N	N	SE	N

** = A maximum of 25% of lot shall be used for outdoor storage, which shall be screened from view of streets and other lots.

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by *Borough Council/Board of Supervisors*)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	C-D	C-N or <i>V</i>	I-G & <i>I-L</i>	C-G
<hr/>				
g. <u>MISCELLANEOUS (Cont.)</u>				
Agriculture, Intensive or Poultry, Raising of (S. 402):				
- Intensive	N	N	SE	N
- Not Intensive	N	SE	P	N
Sewage Treatment Plant	N	N	SE	N
Stable, Non-Household (S. 402; includes horse-riding academy)	N	N	P	N
Timber Harvesting (S. 402)	P	P	P	P
Windmill, maximum of One Windmill per lot	P	P	P	P
-Maximum of one on a lot, which shall be designed primarily for on-site electricity use, and which shall be required to have a setback equal to the total height from all lot lines, except that if placed above a building, only the height of the pole and windmill needs to be setback from lot lines.				
All Uses that will be unable to comply with the performance standards of this ordinance. See the "Environmental Protection" requirements of Article 5				
	N	N	N	N

- P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by *Borough Council/Board of Supervisors*)
 N = Not permitted
 (S. 402) = See Additional Requirements in Section 402
 (S. 403) = See Additional Requirements in Section 403

C. Permitted Accessory Uses.

1. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance.
2. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:
 - a. Standard Antennae, including antennae used by contractors to communicate with their own vehicles*
 - b. Fence* or Wall*
3. Garage, Household
4. Garage Sale*
5. Pets, Keeping of*
6. Parking or Loading, Off-Street, only to serve a use that is permitted in that district
7. Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
8. Residential accessory structure (see definition in Article 2) *

Huntingdon County Model Zoning Ordinance

9. Signs, as permitted by Article 7
10. Swimming Pool, Household *
11. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

* See standard for each in Section 403.

D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a permitted by right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

1. Storage of fuels for on-site use or to fuel company vehicles
2. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - a. Internal cafeteria without drive-through service,
 - b. Day care center or
 - c. Recreational facilities.
3. Bus Shelters meeting Section 403.
4. Automatic Transaction Machine
5. Storage sheds meeting the requirements of Section 307.A.

307. DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.

307.A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202. Where a requirement for lot area or lot width is based upon dwelling units, and the lot does not include any dwelling units, then such measure shall apply to the lot.

Note: The following are typical dimensional standards for a Borough:

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)
1. R-LD Low Density Residential District: a) Single family detached dwelling: b) Semi-detached dwelling unit (Twin Dwellings) c) Townhouses d) Other allowed use <i>Note - Option (c) is included in case a municipality decides to allow townhouses in this district at approximately the same average density as twin dwellings.</i> All new principal buildings shall have a minimum building width of 18 feet, not including unenclosed structures, unless a more restrictive requirement applies.	a) 8,000 b) Minimum average lot area of 5,000 per dwelling unit for the tract (Note C). c) Minimum average lot area of 5,000 per dwelling unit for the tract (Note C). d) 15,000	a) 70 b) 40 per dwelling unit c) 22 per dwelling unit, and 30 for unit on a corner lot d) 90	All uses: 25	All uses: 25	a) 5 each b) 5 each c) 5 each d) 15 each.	40% for all uses, except 50% for townhouses	50% for all uses, except 60% for townhouses

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)
2. R-S Residential Suburban District or R-MD Medium Density Residential: a) Single family detached dwelling: b) Semi-detached dwelling unit c) Townhouse d) Duplex or Other Apartment Dwellings, provided that any lot that includes 4 or more apartment dwelling units shall require a minimum lot area of 15,000 square feet. e) Other allowed use	a) 5,200 b) Minimum average lot area of 4,000 per dwelling unit for the tract (Note C). c) and d): Minimum average lot area of 3,500 per dwelling unit for the tract (Note C), (Note H). e) 10,000	a) 30 (Note B) b) 25 per dwelling unit (Note B) c) 20 per interior dwelling unit, and 25 for unit on a corner lot (Note B) d) 60 (Note B) e) 60	All uses: 10	All uses: 25	a) 3 (Note G) b) 3 (Note G) c) 3 (Note G), except 0 at the shared lot line of lawfully attached dwellings d) 15 e) 15	All uses: 50%	All uses: 60%

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)
3. R-U Residential Urban District: a) Single family detached dwelling: b) Semi-detached dwelling unit c) Townhouse d) Duplex or Other Apartment Dwellings e) Manufactured home parks shall meet the requirements for such use as stated in Section 402 f) Other allowed principal use, provided that no commercial use shall be open to the public between Midnight and 6 AM.	a) 3,000 b) 3,000 c) 2,000 d) Minimum average lot area of 3,000 per dwelling unit for the tract (Note C), (Note H). f) 8,000	a) 30 (Note B) b) 25 per dwelling unit (Note B) c) 20 per interior dwelling unit, and 25 for unit on a corner lot (Note B) d) 60 (Note B) f) 60	All uses: 5	All uses: 20	a) 3 (Note G) b) 3 (Note G) c) 3 (Note G), except 0 at the shared lot line of lawfully attached dwellings d) 12 f) 12	All uses: 60%	All uses: 70%
4. C-N Commercial Neighborhood or C-G Commercial General Districts: a) Allowed residential uses - The requirements of the R-U district shall apply instead of the requirements of this District. b) Other Allowed Uses	b) 4,000	b) 40	b) 10, except 40 if any parking is provided between the front lot line and the principal building	b) 20 (Note A)	b) 5 (Note A)	b) 60%	b) 90%

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)
5. C-D Commercial Downtown District: a) Allowed residential uses - The requirements of the R-U district shall apply instead of the requirements of the C-D District. b) Other Allowed Uses	b) 1,500	b) 15	b) 0. No new vehicle parking shall be located between the front lot line and the front of a principal building.	b) 15	b) 0 in C-D (Note G)	b) 90%	95%
6. I-G General Industrial or I-L Light Industrial District: Allowed use	6,000	60	10, except 20 feet if a residential district is across the street	20 (Note A)	15 (Note A)	60%	80%

Section 307.A. Continued: Notes for the Above Table:

Corner lot setbacks - see Section 803.B.

** = The following exceptions shall apply:

- For accessory structures and uses, see Section 307.C. below.
- Structures shall not obstruct minimum sight clearance at intersections.
- See Section 803.B. pertaining to Corner Lots.
- See Section 806 regarding extension of nonconforming setbacks.
- See Section 803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

Huntingdon County Model Zoning Ordinance

- (Note A) = Except 20 feet side and 30 feet rear for a principal business from a lot in a residential district that is occupied by a principal dwelling. Such side or rear yard shall be increased to 70 feet for any building area or land area used for manufacturing or a tractor-trailer truck loading dock from such a lot.
- (Note B) = If an existing rear or side alley is available or could be feasibly extended, it shall be used for access to parking spaces for the lot instead of a front yard driveway. If 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 60 percent of the land area between the front of each townhouse or semi-detached dwelling and the street right-of-way line shall be used for vehicle parking and driveways.
- (Note C) = The average density is based upon gross acreage. The average density provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used. No minimum lot area applies for each individual dwelling unit, provided that the overall density requirements are met. Each twin and townhouse dwelling unit shall still be able to meet the minimum front yard, side yard, rear yard and lot width as if each dwelling was on its own fee simple lot.
- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The total lot area of the tract prior to development is used. The area occupied by existing street right-of-way of existing streets and alleys is then deleted. The following areas are not required to be deleted from the lot area: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins. The resulting lot area is then divided by the average lot area per dwelling unit to result in the maximum number of dwelling units allowed on the tract.
- See also the applicable standards in Section 402, which may require common open space for townhouses and apartments.
- (Note D) = Setbacks shall be measured from the existing street right-of-way. An unenclosed front porch or deck may intrude up to 10 feet into the minimum front yard. This porch or deck may be covered by a roof. Steps and stoops may also intrude into this setback. See also the maximum building setback in Section 307.E.
- (Note E) = See natural feature regulations in Section 308. If any lot is not served by both public water service and public sewage service, then a minimum lot area of one acre shall apply, and the lot shall not include more than one dwelling unit.
- (Note F) = For townhouses and semi-detached dwellings, the maximum building and impervious coverage requirements may be met as an average

Huntingdon County Model Zoning Ordinance

across a tract after development, as opposed to regulating each individual lot.

(Note G) = However, in no case shall a new or expanded principal building be allowed to have a separation distance of less than 6 feet from the nearest enclosed principal building wall on another lot.

(Note H) = The minimum average lot area per apartment dwelling shall be reduced to 2,000 square feet if a lot will include 6 or more dwelling units, and each dwelling unit will be restricted to occupancy by at least one person age 62 or older or a person with physical disabilities, and there is no occupancy by any person under age 18 years old.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B. Height. Except as provided in Section 802, or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. Any structure that is accessory to a dwelling on a lot of less than 5 acres shall have a maximum height of 2 stories (with the second story limited to non-habitable storage areas) or 25 feet, whichever is more restrictive,
2. In the I-L, I-G, and C-D districts, a maximum building height of 80 feet shall apply, provided that no portion of a building shall exceed a maximum height of 50 feet if it is within 80 feet of the lot line of an existing principal dwelling in a R-S or R-U district.
3. The maximum height for any other structure shall be 3 stories or 40 feet, whichever is more restrictive.

307.C. Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 307.A., unless otherwise provided for in this Ordinance, including this Section 307.C.
2. The minimum side and rear yard setback apply for a permitted detached structure that is accessory to a dwelling shall be 5 feet, except in the following cases:
 - a. The minimum side setback shall be reduced to 2 feet on one side and 4 feet on a second side for a residential accessory building that does not include a dwelling and that has a total floor area of less than 600 square feet and a maximum height of one story.
 - b. A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by semi-detached dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
 - c. A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage. See Note D above considering front yard setbacks.
 - d. See Section 403 for swimming pools.
3. No accessory building and no swimming pool shall be allowed in the minimum front yard.

Huntingdon County Model Zoning Ordinance

Note: The following are typical standards for a Township:

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imper- vious Coverage
AP Agricultural Preservation District: <i>The requirements in Section 307.D. shall apply.</i>						15%	25%
R-C Residential Conservation District: <i>See also the Open Space Development Option in Section 311, which allows smaller lots in return for preserved open space.</i>	86,000	200	30	30	20	15%	25%
RR Rural Residential: <i>See also Open Space Development Option in Section 311, which may allow smaller lot sizes, smaller lot widths and density bonuses.</i>	60,000	150	25	30	15	20%	30%

Huntingdon County Model Zoning Ordinance

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imper- vious Coverage
R-LD Low Density Residential District: a) Single family detached dwelling: a1) Without Township-approved central water service and without Township-approved central sewage service a2) With Township-approved central water or Township-approved central sewage service a3) With both Township-approved central water and Township-approved central sewage services: ----- b) Other allowed principal use <i>See the Open Space Development Option in Section 311, which may allow smaller minimum lot sizes, smaller lot widths, greater varieties in housing types and density bonuses.</i> <i>See also the Age-Restricted Residential Development Option in Section 316.</i> See also Note F.	a1) 43,560 (1 acre) a2) 39,000 a3) 12,000 ----- b) 43,560 (1 acre)	a1) 150 a2) 120 a3) 75 ----- b) 150	a1) 25 a2) 25 a3) 25 ----- b) 25	a1) 30 a2) 30 a3) 30 ----- b) 30	a1) 10 each a2) 10 each a3) 10 each ----- b) 25 each.	a1) 30 a2) 30 a3) 30 ----- b) 30	a1) 40 a2) 40 a3) 40 ----- b) 40

Huntingdon County Model Zoning Ordinance

[illegible]

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imper- vious Coverage
R-U Residential Urban or R-MHDD Residential Medium High Density Residential District: a)Single family detached dwellings: a1)Without both Township-approved central water service and Township-approved central sewage services a2)With both Township-approved central water and Township-approved central sewage services. ----- b)The following housing types, each of which shall require Township-approved central water and Township-approved central sewage services: b1) Twin dwelling unit b2) Townhouse b3)Duplex or other Apartment dwellings, which shall be detached from other buildings. c)Manufactured home parks shall meet Section 402, instead of the provisions of this table. d)Other allowed use	a1) 43,560 a2) 7,000 ----- b1), b2) and b3): Minimum average lot area of 6,000 per dwelling unit (Note C). ----- d) 25,000	a1) 150 b1) 35 per dwelling unit b2) 20 per interior dwelling unit, and 40 for each end unit (Note B) b3) 40 d) 100	a1) 25 b1) 25 b2) 25 b3) 25 d) 25	a1) 30 b1) 30 b2) 30 b3) 30 d) 30	a1) 15 b1 and b2): 10, except 0 at the shared lot line of lawfully attached dwellings. b3): 15 d) 15	All uses: 60%	All uses: 70%

Huntingdon County Model Zoning Ordinance

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imper- vious Coverage
V Village District or CN Commercial Neighborhood District: a) Single family detached dwellings and twin dwellings - The same provisions shall apply as apply for the R-MD district. b) Other Allowed Uses	b) 43,560, except 20,000 for a lot that will be served by central water and central sewage services	b) 125	b) 20.	b) 30	b) 20	b) 40%	b) 75%
C-G Commercial General District: Allowed use	43,560, except 20,000 for a lot that will be served by central water and central sewage services	150, except 250 for a new business lot approved after the adoption of this Ordinance that will have its own vehicle access directly onto an arterial street.	30, except 50 feet where off-street parking for a commercial use will exist between the principal building and an arterial street.	20 (Note A)	20 (Note A)	40%	70%

Huntingdon County Model Zoning Ordinance

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imper- vious Coverage
I-L Light Industrial or I-G General Industrial District: Other Allowed use. <i>Note - A municipality may decide that only one industrial district is needed instead of two.</i>	87,120 (2 acres), except 43,560 (1 acre) for a lot that is deed restricted to prohibit industrial uses.	150	50	20 (Note A)	20 (Note A)	40%	75%

Section 307.A. Continued: Notes for the Above Table:

Corner lot setbacks - see Section 803.B.

** =

The following exceptions shall apply:

-For accessory structures and uses, see Section 307.C. below.

-Structures shall not obstruct minimum sight clearance at intersections.

-See Section 803.B. pertaining to Corner Lots.

-See Section 806 regarding extension of nonconforming setbacks.

-See Section 803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

(Note A) =

Except 40 feet side and 50 feet rear for a principal business use from a lot in a residential district that is not occupied by a principal business. Such side or rear yard shall be increased to 100 feet for any building area or land area used for manufacturing or a tractor-trailer truck loading dock from such a lot.

(Note B) =

Except if 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 50 percent of the land area between the front of each townhouse and the right-of-way line shall be used for vehicle parking and driveways.

- (Note C) = These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used.
- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.
 - The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins.
 - A golf course (not including areas covered by buildings and paving) may count towards the common open space provided that it includes more than 50 acres of lot area and is preserved by a permanent conservation easement at the time of development approval.
 - See also the applicable standards in Section 402, which may require common open space.
- (Note D) = Setbacks shall be measured from the future / ultimate right-of-way. An unenclosed front porch or deck may intrude up to 10 feet into the minimum front yard. This porch or deck may be covered by a roof.
- (Note E) = See natural feature regulations, including Sections 308 and 310.
- (Note F) = All dwellings shall have a minimum principal building width and length of 20 feet (not including unenclosed structures).

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B.Height. Except as provided in Section 802, or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. no maximum height shall apply for agricultural structures,
2. any structure that is accessory to a dwelling on a lot of less than 5 acres shall have a maximum height of 2 stories (with the second story limited to non-habitable storage areas) or 25 feet, whichever is more restrictive,
3. in the I-L and I-G districts, a maximum building height of 50 feet shall apply,
4. the maximum height for any other structure shall be 3 stories or 40 feet, whichever is more restrictive.

307.C.Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 307.A., unless otherwise provided for in this Ordinance, including this Section 307.C.
2. The minimum side and rear yard setback apply for a permitted detached structure that is accessory to a dwelling shall be 10 feet in the RC and RR districts and 5 feet in other districts, except in the following cases:

- a. The minimum rear setback shall be reduced to 3 feet for a residential accessory storage shed having a total floor area of less than 150 square feet.
 - b. A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by twin dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
 - c. A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage. See Note D above considering front yard setbacks.
 - d. See Section 403 for swimming pools.
 - e. If any accessory building or pool is constructed adjacent to a street (such as a rear yard on a lot that is adjacent to a street along the front lot line and another street along the rear lot line), then the building or pool shall be separated from such street by a buffer yard meeting Section 803.
3. No accessory building and no swimming pool shall be allowed in the minimum front yard.

307.D. Additional Requirements in the AC Agricultural Conservation District:

1. Minimum lot area - 1 acre, except 20 acres for any lot that is beyond the number of lots allowed under Section 307.D.7.
2. Maximum lot area - For a single-family detached dwelling that is not on a principal agricultural lot - 2 acres maximum lot area. The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the lot: 1) does not include more than 2 acres of Class I, II and/or III soils, as identified in official Federal soils mapping or a more accurate professional study, 2) where additional lot area is needed to improve septic or water supply facilities for the lot, in the determination of the Sewage Enforcement Officer, or 3) where a larger lot size is required because of a State or Federal regulation.
 - a. The largest amount of Class I, II and III agricultural soils that is feasible shall be included on one principal agricultural lot.
3. Minimum lot width - 150 feet.
4. Minimum yards for principal and accessory buildings, except for Raising of Livestock and Poultry, see Section 402:
 - a. Front - 40 feet.
 - b. Each of 2 sides - 15 feet.
 - c. Rear - 30 feet.
 - d. However, an accessory storage building with a maximum floor area of 600 square feet and a maximum height of 15 feet may be located a minimum of 10 feet from the side or rear lot line.
 - e. The minimum lot width may be met at the proposed principal building setback line instead of the minimum building setback line if the applicant proves that such modification would result in a greater amount of preservation of agricultural land than would otherwise occur.
5. Maximum impervious coverage - 15 percent, except sales of farm equipment and places of worship shall be allowed to have a 60 percent maximum impervious coverage.

6. Maximum height - 3 stories or 40 feet, whichever is more restrictive. No maximum height shall apply to agricultural structures.
7. Limitations on Subdivision and Land Development in the AC District.
 - a. To preserve agricultural tracts, the AC District regulations limit the subdivision of lots from farms and establishes a maximum lot size to allow the retention of tracts of sufficient size to be productive for agriculture. This Section is based upon Section 604(3) and other provisions of the Pennsylvania Municipalities Planning Code.
 - b. Each tract existing on _____ (*date of enactment*) shall be permitted to subdivide new lots from the tract or establish new principal uses on the tract based upon the lot area of the tract as it existed on such date, as follows:

Lot Area (Acres)		Number of Total Lots Of Less than 20 Acres Which May Result (including the existing/remainder lot):
At Least	Less Than	
2	10	2
10	30	3
30	40	4
40	50	5
50	60	6
60	70	7
70	80	8
80		8, plus 1 lot for every 10 acres over 90 acres.

- c. The condition of the tract on _____ (*date of enactment*), or on the date on which the tract was first zoned AC District, shall be the basis from which the maximum development set forth in Section 307.D.7. above shall be calculated.
- d. No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size, except as provided in Section 307.D.2.
- e. A subdivision, the sole purpose of which is to transfer land to increase the size of a tract being used for agricultural purposes, where both the tract from which the land is taken and the tract to which the land is added will be 20 acres or greater after such subdivision, shall not be included when computing the permissible number of lots to be subdivided from a tract as set forth in Section 307.D.
- f. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township, or that is deed restricted or restricted by a conservation easement so that the lot can never be used for a principal use shall not be included when computing the permissible number of lots to be subdivided from a tract as set forth in Section 307.D. above. For example, if a lot is created solely for the purposes of stormwater management or a water supply well, it shall not be limited by Section 307.D.

- g. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development of a parent tract shall specify which lot or lots shall carry with it a right of further subdivision or establishment of principal uses, if any such right remains from the quota allocated to the parent tract on _____ (*enactment date*), or on the date when such land was first included within the AC District. The right of further subdivision or establishment of principal uses shall also be included in the deed for the newly-created lot. If the designation of the right of further subdivision or establishment of principal uses was not included on a subdivision or land development plan of a parent tract, it shall be conclusively presumed that the largest lot remaining after subdivision shall carry the right of further subdivision or establishment of principal uses.
- i. In the event that a tract which was not classified as part of the AC District on _____ (*enactment date*), or was thereafter classified as part of the AC District, the size and ownership of the tract and the development existing on the tract on the effective date of the change in zoning classification shall determine the number of lots which may be subdivided from, or the number of principal uses which may be established on such tract.
- j. The number of lots which may be created or principal uses which may be established shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision or land which was formerly part of a parent tract shall be bound by the actions of his predecessor.
- k. In submitting an application for a subdivision/land development for a dwelling unit within the AC District, the applicant shall demonstrate that measures have been used to:
 - (1) Minimize the loss of valuable farmland;
 - (2) Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms;
 - (3) Minimize the length of property lines shared by all residential lots and adjoining farms;
 - (4) Assure adequate vehicular access to future residences not currently proposed;
 - (5) Assure that the proposed plan can comply with the Township's Subdivision and Land Development Ordinance.
- l. Agricultural Nuisance Disclaimer - All lands within the AC District are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept

such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.

307.E. Required Yards:

1. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
2. Every lot shall include at least one front lot line.
3. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.
4. Every lot shall include a rear lot line and a rear yard.
5. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Ordinance.
6. See "Corner Lot" provision in Section 803.B.
7. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

307.E. Rear Yard Abutting a Street. If a new principal building is constructed with its rear lot line abutting a public street, a row of landscaping shall be placed between such street and the rear yard, and any fencing shall be placed on the inside of such landscaping. This requirement shall not apply where the landscaping would interfere with required sight distances or a vehicle driveway or garage.

307.F. Maximum Building Setback. In the R-HD and C-D districts (*Note - intended for older historic portions of a borough*), where a clear majority of the existing principal buildings on the same side of a block are already developed with buildings, and where the Zoning Officer determines that there is a clear predominant front yard setback along such block, then if a new principal building is proposed, the front building wall of such new building shall have a maximum front yard building setback that is not more than 5 feet larger than such predominant front yard setback. The maximum front yard setback may be met with an attached front porch or a building wall.

308. **WETLANDS, LAKES, STEEP SLOPES AND WATERWAY CONSERVATION.**

308.A. Wetland Studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Borough. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.

308.B. Wetland and Lake Setbacks. A minimum setback of 20 feet shall be required between any new principal building for which a building permit is issued after the effective date of this Ordinance and any "wetland" or natural lake or pond.

308.C. Steep Slopes. No principal building shall be constructed or placed on an area with a natural slope of 25 percent or greater. If a new lot will involve a principal building being constructed on slopes of 15 to 25 percent, then the minimum lot size shall be one acre, unless a larger lot size is required by the zoning district. These steep slope provisions shall not apply to slopes that were clearly man-made prior to the adoption of this Section.

308.D. Setback from River/Riparian Areas. No new principal building, no new off-street parking space and no new commercial or industrial outdoor storage shall be allowed within 70 feet from the top of the primary bank of *the Juniata River and 50 feet from the top of the primary bank of any other perennial creek*. Where trees and other natural vegetation is removed within this setback, it shall be replaced with new trees and vegetation that serve the same environmental purposes.

308.E. Biological Diversity Area. Site designs should take into account the protection of habitats for rare and endangered species of plants or animals and other areas of important natural biodiversity, as identified in the Huntingdon County Natural Heritage Inventory or the Pennsylvania Natural Diversity Inventory.

309. **OPEN SPACE DEVELOPMENT.**

309.A. Purposes. To allow flexible development of areas with sensitive natural features in such a way as to: a) avoid severe soil erosion and sedimentation, b) avoid severely increased storm water flows and speeds, c) steer development to those areas that are more physically suited for it, d) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and snow plow, e) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, f) to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats and g) reduce construction costs while h) allowing each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land. In most cases, this option will encourage the preservation of significant areas of preserved open space. These provisions also recognize the groundwater supplies and the ability of the ground to treat sewage wastes are limited, and may become overtaxed if the entire Township is developed in one acre minimum lots from end to end.

309.B. Applicability. This article allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves to the satisfaction of the Township that all of the requirements of this Section 309 will be complied with.

1. The term "Open Space Development" shall mean a residential development meeting the requirements of this Section 309 and which is approved as provided in Section 306.
 - a. Uses. A Open Space Development shall only include single family detached dwellings, nature preserves, Township-owned recreation, a golf course and their customary permitted accessory uses. A mobile/ manufactured home park shall not qualify as a Open Space Development.

2. A tract may be eligible for approval for a Open Space Development if it includes a minimum of 4 acres of land area in common ownership, except that a minimum of 6 acres shall be required in the CR district. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
 - a. These provisions are intended to allow flexibility in the placement of individual dwelling units, in order to locate homes away from important natural areas and other community assets.
 - b. The amount of common open space shall be based upon the total lot area of all lots within the development, prior to subdivision, and prior to deletion of rights-of-way of future streets and before deleting the area of any environmental features.
 - (1) Areas that were preserved by a conservation or agricultural preservation easement *prior* to the submittal of the subdivision shall not be counted towards the area of the tract in calculating common open space or allowed density.
 - c. Areas used for a principal non-residential use (other than uses approved by the Township to be part of the preserved open space, such as a barn) shall not be included within the land area used to calculate residential density.
 - d. Conservation easements shall be established on lots as necessary to make sure that the maximum density requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section.
3. A Open Space Development shall be designed as a unified, coordinated residential development, and shall be approved within a development plan controlled by a single development entity. After final subdivision approval and within an approved development agreement(s), a developer may sell individual lots to different builders or home buyers, provided that the developer or his/her successor remains responsible for ensuring the compliance with the approved development plan.

309.C. Density, Open Space and Lot Standards.

1. A Yield Plan shall be presented by the applicant. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under current Township ordinances if the Open Space Development provisions would not be used. This Yield Plan shall be completed to an accurate scale, including accurately showing tract boundaries, steep slopes, 100 year floodplains and wetlands. The Yield Plan shall show potential lots and streets. However, the Yield Plan is not required to meet the detailed engineering requirements of a preliminary subdivision plan. The Board of Supervisors or its designee shall require sufficient septic probes to prove that on-lot septic systems would be

possible in marginal areas. If the probes are not intended to be used for actual construction of septic systems, such probes may be conducted by any State-certified sewage enforcement officer.

2. Such Yield Plan shall be reviewed by the Zoning Officer, with advice by the Township Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units possible on each site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise such Yield Plan.
3. The maximum number of dwelling units allowed on the tract through Open Space Development shall be 25 percent greater than the number of dwelling units that is determined by the Township to be possible under the approved Yield Plan.
4. Within a Open Space Development, the only allowed dwelling units shall be single family detached dwellings. The following minimum lot areas shall apply, provided that the total maximum density for the tract is not exceeded:

Note - The minimum lot sizes and minimum amounts of open space will need to vary depending upon the lot sizes that are required under development without open space. The goal is to provide as much open space as is reasonable, while still making sure that open space development is an attractive option to a developer.

- (a) C-R District - The minimum lot area shall be reduced to 1 acre and the minimum lot width shall be reduced to 150 feet. A minimum of 40 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Common Open Space. The majority of the required common open space shall be in one contiguous tract, except that it may be separated by one street. The only allowed dwellings shall be single family detached dwellings.
- (b) RR District - The minimum lot area shall be reduced to 1 acre and the minimum lot width shall be reduced to 150 feet. A minimum of 25 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Common Open Space. The majority of the required common open space shall be in one contiguous tract, except that it may be separated by one street. The only allowed dwellings shall be single family detached dwellings.
- (c) R-LD District - The dwellings shall need both Township-approved central water and central sewage services. The minimum lot area may be reduced to 10,000 square feet and the minimum lot width to 80 feet. A minimum of 35 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Common Open Space. The majority of the required common open space shall be in one contiguous tract, except that it may be separated by one street. The only allowed dwellings shall be single family detached dwellings.
- (b) R-MD or R-S District - The dwellings shall need both Township-approved central water and central sewage services. The minimum lot area may be reduced to 8,000 square feet and the minimum lot width to 60 feet for a single family detached dwelling. For other housing types, the minimum average lot area per dwelling unit shall be reduced to 8,000 square feet. A minimum of 30 percent of the total lot area of the tract (prior to subdivision)

shall be preserved as Common Open Space, except that such minimum common open space shall be increased to 40 percent if 1 to 25 percent of the dwelling units are not single family detached dwellings and shall be increased to 50 percent if over 25 percent of the dwelling units are not single family detached dwellings. The majority of the required common open space shall be in one contiguous tract, except that it may be separated by one street.

6. Utilities. Any lot of less than one acre shall be served by Township-approved central sanitary sewerage service and central water service.
7. Subdivision of Part of a Tract. This subsection "7" addresses a situation in which only part of a lot is proposed to be subdivided, and the applicant at the present time does not intend to subdivide for the maximum number of dwellings allowed by this Section. In such case, the applicant shall establish a permanent conservation easement covering common open space to comply with this Section. Because only part of the tract is being subdivided, it may not be necessary to meet the common open space requirement based upon the area of the entire tract.
 - (a) The land under the conservation easement shall be a regular rectangle in shape and shall be located in such a manner as to allow it to adjoin land that could be added under a conservation easement in the future.
 - (b) The following hypothetical example assumes a lot includes 50 acres, and the Yield Plan determines that the applicant for a Conservation Development is allowed a total of 30 new dwellings. In this example, the applicant only wishes to subdivide lots for 10 new dwellings at the present time, which is one-third of the total number of allowed dwellings. If the entire lot would be subdivided to the maximum allowed, a conservation easement would need to be placed on 30 percent of 50 acres, or 15 acres. Because only one-third of the allowed dwelling units are being subdivided, then the conservation easement at this time would only need to apply to 5 acres. The 5 acres under the conservation easement would need to be placed on the tract at a location where it could be joined by the remaining 10 acres of land under a conservation easement if the applicant in the future decided to subdivide lots for the remaining 20 dwelling units that are allowed.

309.D. Conditions for Approval. In addition to the specific requirements of this Section, a Open Space Development shall only be approved if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Commission, that the following conditions will be met:

1. That the Open Space Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be development as a conventional development. Such valid public purposes include but are not limited to the following:
 - a. The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features.

- b. The permanent preservation of a substantial area of land in agricultural uses, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes.
 - c. The dedication of public parkland at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active and/or passive recreation.
 - d. The Open Space of homes in a location that will be substantially buffered from highly-noxious nuisance-generating uses, such as an expressway or major arterial street.
- 2. The applicant shall prove that the proposed Open Space Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.
 - a. At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings.
 - b. The natural features of the site shall be a major factor in determining the siting of dwelling units.

309.E. Open Space.

- 1. Open Space. Land within a Open Space Development may be permanently preserved as public, semi-public or private "Common Open Space." See definition in Section 202 of "Open Space, Common or Preserved." The common open space requirements of this Section shall be in place of the common open space land or fee requirements of the Township Subdivision and Land Development Ordinance.
- 2. Open Space Standards. Any preserved open spaces shall meet all of the following requirements:
 - a. Such open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes or the use of the land for clearcut forestry. Land approved as required open space shall only be used for non-commercial active or passive recreation, a Christmas Tree Farm, a golf course, a nature preserve, a wholesale plant nursery and/or Township-approved agricultural uses.
 - b. A Open Space Development shall still meet any recreation land dedication or recreation fee requirements that may apply under the Subdivision and Land Development Ordinance.

- c. The Township may require the use of conservation easements within a Open Space development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features.
- d. Improvements to Open Spaces. Where open space is proposed to be used for recreation and/or dedicated to the Township, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land intended to be publicly dedicated open space to make it suitable for its intended purpose.
 - (1) Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.
 - (2) Examples of such improvements for areas intended for active recreation include rough grading of land to create land suitable for free-play fields for youth.
 - (3) Type of Maintenance. Where the open space would not be dedicated to a government entity, the subdivision plan shall state the intended type of maintenance of the open space. The following classes of use and maintenance may be used, or other classes that are clearly described within and approved as part of the plan submittal:
 - (a) Lawn: A grass area with or without trees which may be used by the residents for a variety of purposes and which is intended to be mowed regularly.
 - (b) Natural Area: An area of attractive desirable natural vegetation that is primarily intended for passive recreation, with minimal maintenance. Noxious and poisonous weeds should be controlled. Additional trees as appropriate and wildflowers are recommended to be planted.
 - (c) Recreation Area: An area designated for a specific recreation use, including, but not limited to, tennis, swimming, shuffleboard, playfields and/or children's play equipment. Such areas shall be maintained so as to be safe and appropriate for the intended use.
- e. All proposed Preserved Open Space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
- f. The applicant shall prove that all required Open Space would be suitable for its intended and Township-approved purposes. The Township may require the provision of a trail easement and/or the construction of a trail through common open space. If a developer is required to install a trail, it shall be completed prior to the final sale of any adjacent residential lots.

- g. Lots and open spaces shall be located to promote pedestrian and visual access to preserved open spaces whenever possible. A non-motorized recreation trail shall be shown on the plans through common open space and shall be built by the developer prior to the sale or construction of any adjacent homes, unless the Board of Supervisors determine that a trail is not appropriate in the particular situation.
3. Open Space Ownership. The method(s) to be used to own, preserve and maintain any preserved open space shall be acceptable to the Township. The Township shall only approve a Open Space Development if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.
- a. The method of ownership and use of any required preserved open space shall be determined prior to preliminary subdivision or land development approval. The Township should be given right of first refusal at the time of such review to accept proposed open space as public open space. Required open space shall be permanently preserved by one or a combination of the following methods:
 - (1) Dedication to the Township as public open space, if the Board of Supervisors agree in writing to such dedication.
 - (2) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
 - (3) Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for public school buildings and/or related open space.
 - (4) Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for preserved open space that is not publicly-owned.
 - (i) Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Township may delay a dedication of maintenance responsibilities by a developer to a homeowners association until such association is incorporated and able to maintain such land.
 - (5) Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors.
 - (6) Dedication of a permanent agricultural preservation easement to the County Agricultural Land Preservation Board, with the land utilized for allowed agricultural uses.
 - (7) Dedication to the State Game Commission, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.

- (8) Operation as a bonafide golf course, with a minimum lot area of 50 acres. Areas including buildings or vehicle parking shall not count towards the minimum average lot area.
- (9) Retention as part of one or more private lots, with an appropriate Township-approved conservation easement. This option (9) shall only be available in locations where the applicant proves to the Board of Supervisors that none of the above options are feasible or appropriate. This option (9) is primarily intended for situations where less than 2 acres of common open space would result (which may include a situation where only part of a tract is being subdivided).

- b. Legal documents providing for ownership and/or maintenance of required preserved open space shall be reviewed by the Township Solicitor and be subject to approval by the Board of Supervisors prior to recording of the final plan.
- c. A legally binding system shall be established to oversee and maintain land that will not be publicly-owned. Any homeowner association should generally follow the provisions of Section 705.f. parts (1) and (2) of the Pennsylvania Municipalities Planning Code, as amended. Proper notations shall be required on the Recorded Plan. For example, if the preserved open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space "shall not be further subdivided and shall not be used for the construction of any non-recreation buildings."

309.F. Steep Slopes. Within a Open Space Development, no principal building shall be placed on slopes of over 25 percent.

309.G. Access. A Open Space Development shall have an interior street system that minimizes or avoids the need for individual driveways entering directly onto arterial or major collector streets.

309.H. Phasing. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Article would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.

309.I. Landscaping Plan. An application for a Open Space Development involving over 30 acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.

- 1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the preserved open space and throughout the tract.
- 2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
- 3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

310. **DEMOLITION OF HISTORIC BUILDINGS.**

Note - A municipality could consider regulating scattered historic buildings that are included on a list and map in the Zoning Ordinance, as opposed to simply controlling historic buildings within a defined land area. For the sole purposes of regulating demolition in a zoning ordinance, the "historic district" does not need to be certified by the State or Federal governments.

310.A. Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:

1. Promote the retention of community character through preservation of the local heritage by recognition and protection of historic and architectural resources;
2. Establish a clear process to review and approve demolition of designated historic buildings;
3. Encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings;
4. Implement Sections 603(b), 603(g), 604(1) and 605(2) of the Pennsylvania Municipalities Planning Code which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value;
5. Strengthen the local economy by promoting heritage tourism, improving property values and increasing investment in older buildings;
6. Utilize the Traditional Neighborhood Development provisions of the Pennsylvania Municipalities Planning code; and
7. Carry out recommendations of the County Comprehensive Plan, including recommendations to preserve historic buildings and community character.

310.B. Applicability.

1. This Section 310 shall apply to any principal building in the HD Historic District Overlay District, except for buildings constructed after 1945.
2. For a building regulated by this Section 310, all of the provisions of the applicable underlying zoning district shall also continue to apply, in addition to the provisions of this Section 310. In the event there is a direct conflict between the provisions of Section 310 and the underlying zoning district, the provision that is most restrictive upon development, demolition and uses shall apply.

310.C. General Provisions.

1. The Historic District Map is hereby made part of this Zoning Ordinance.
2. Any partial or complete demolition of a building regulated by this Section 310 that is visible from a public street shall only occur in compliance with this Section 310.
3. The Historic Buildings Map may be revised as a Zoning Ordinance Amendment.
4. Definitions. In addition to the definitions provided in Section 202, the following terms shall have the following meanings for the purposes of this Section 310:

- a. Demolition - The dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building.
- b. Demolition by Neglect - The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building to a point that causes a need for major repair or may cause a need for demolition.
- c. Maintenance and Repair - Work that does not alter the appearance or harm the stability of exterior features of a building.
- d. Streetscape - The overall appearance of a block along a public street, including yards visible from a public street, the relationship of building setbacks, the consistency of architectural styles or features, the spacing and shapes of windows and doors and rooflines and similar features that give the block its distinctive visual character.

310.D. Approval of Demolition of Historic Buildings.

1. A building regulated by this Section 310 shall not be demolished, in whole or in part, unless the applicant proves by credible evidence to the satisfaction of the Borough Council as a conditional use that one or more of the following conditions exists:
 - a. The existing building cannot feasibly and reasonably be reused or is structurally unsound, and that such situation is not the result of intentional neglect or demolition by neglect by the owner;
 - b. The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created;
 - c. The demolition is necessary to allow a project to occur that will have substantial public benefit that would greatly outweigh the loss of the Historic Building, and the project needs to occur at this location. For example, a demolition may be needed for a necessary expansion of an existing public building or to allow a street improvement that is necessary to alleviate a public safety hazard;
 - d. The demolition will result in a new building that will be a net improvement to the historic streetscape of the district, considering the architectural design proposed of the new building; and/or
 - e. The building does not contribute to the historic character of the Historic District and the streetscape.
2. For approval of a demolition, the standards of this Section 310 shall apply in place of the conditional use standards of Article 1. In reviewing the application, the Borough Council shall consider the following:
 - a. The effect of the demolition on the historical significance, streetscape and architectural integrity of neighboring Historic Buildings and on the historic character of the surrounding neighborhood.
 - b. The feasibility of other alternatives to demolition.

3. An application for partial or complete demolition of a building regulated by this Section 310 shall not be approved unless all of the requirements of this Section 310 have been met. A partial demolition shall include, but not be limited to: removal of an attached porch roof, removal of porch columns and removal of architectural features. See definition of "Demolition" above.
4. A complete application for the demolition shall be submitted by the applicant in writing. This application shall include the following:
 - a. The name, address and daytime telephone number of the owner of record and the applicant for the demolition.
 - b. Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
 - c. A site plan drawn to scale showing existing buildings and the proposed demolition.
 - d. A written statement of the reasons for the demolition.
 - e. The proposed use of the site, and a proposed timeline for development of that proposed use.
 - f. The proposed disposition of materials. The applicant shall show that debris will be disposed in a legal manner. Salvage of building materials is strongly encouraged to preserve historic features.
5. Procedures. The applicant shall be informed of meeting dates where the application is intended to be discussed and encouraged to be present to discuss the proposed demolition.
6. Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused.
7. Emergency. The Zoning Officer may issue a permit for the demolition without compliance with this Section 310 if the Construction Official/Building Inspector certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.
8. Exceptions. Conditional use approval shall not be needed for the following:
 - a. Demolition of accessory structures that are not an integral part of the principal building.
 - b. Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street (not including an alley).
 - c. Removal of features that were added after 1945, such as a modern porch or aluminum siding or carport.
 - d. Relocation of a building within the Borough, provided that the relocation does not result in a partial or complete demolition that is regulated by this Section.

310.E. Demolition by Neglect (see definition above).

1. Every property-owner of a building regulated by this Section 310 shall repair and maintain the building to avoid demolition by neglect. The Zoning Officer or Construction Official /Building Inspector may require any unoccupied building shall be properly sealed and secured to prevent decay from the elements and vandalism.
2. Every property-owner of a building regulated by this Section 310 shall properly repair and maintain the building to maintain the structural integrity of the building and to protect the building and attached features from damage from the elements. The attached features that shall be protected, repaired and maintained include the roof, chimney, cornice, soffit, fascia, spouting, columns, beams, posts, window sills, door sills and lintels.
3. If a property-owner fails to comply with an order from the Construction Official/Building Inspector to repair a building regulated by this Section 310 to correct a code violation that threatens the structural integrity of a building, such matter shall be considered a violation of this Ordinance.

The following provisions were written for the historic center of a Borough, but some could also be applicable to other areas.

311. **DESIGN GUIDELINES.** The following advisory guidelines should be considered in the design of new construction, additions and exterior alterations, particularly in the _____ R-HD, C-N and C-D Districts. Some of these features may be required by other sections of this Ordinance in specific cases.
- 313.A. Vehicle parking and any garage doors should be placed to the rear of buildings as opposed to between buildings and the street. Where rear parking is not practical, then parking should be provided to the side of a building. Where a driveway needs to enter from the front, the garage should be setback further from the street than the house, and the driveway should be as narrow as practical through the front yard.
- 313.B. New construction should have a front yard setback that is similar to adjacent older buildings.
- 313.C. Modern additions and features should be placed towards the rear of the property.
- 313.D. New construction should have rooflines that are similar to adjacent older buildings. Flat roofs should be avoided, except when a decorative cornice is used. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.
- 313.E. On sides visible from a street, new construction should use building materials that are similar to appearance of older buildings, such as decorative masonry or materials with a similar appearance.
- 313.F. Where existing older buildings have a certain horizontal or vertical orientation, that orientation should be continued in new construction. Where existing older buildings have a certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued in new construction. Blank walls without door and window openings should be avoided along a street.

- 313.G. Parking. See Sections 601.B. and 602.F. which allow some flexibility in parking requirements. Shared parking among property owners and businesses in the C-D District is encouraged where adequate parking spaces exist for shared usage. Landscaping, brick walls or similar features should be used to buffer parking lots from streets.
- 313.H. Existing Buildings and New Construction. There should be a balance of the retention of existing buildings and quality new construction so as to retain a sense of historic continuity and increased vitality. Every effort should be made to identify, save and reuse older buildings and to find appropriate reuses. Avoid demolition and new construction where important buildings are removed or the visual continuity of the area is disrupted. Typical "franchise brand" facades should be modified in such a way as to become compatible with the Borough's historical background.
- 313.I. Continuity of Street-Front Activity. Uninterrupted continuity of pedestrian-related uses and activities should be encouraged along main streets, particularly in areas of present activity. Outward street orientation with storefronts, entrances and windows relating to the street, rather than in inward focus away from the street, should be emphasized in new buildings. Street-oriented parking lots, blank building faces and non-pedestrian-related uses should be discouraged along major pedestrian streets.
- 313.J. Lighting. Adequate lighting shall be provided for security, but in a manner that does not generate glare. Light fixtures should be visually in keeping with the character of the Historic District. The luminaire itself (such as in a floodlight) should not be visible from a street or sidewalk.
- 313.K. Pedestrians. Pedestrian traffic should be separated from major vehicle routes. Developments shall be designed in such a way as to be inviting for pedestrian traffic. The development should not be surrounded by parking lots and driveways, but should be placed on the site in such a way that it relates to adjacent properties and public right-of-ways.
- 313.L. Guidelines for Construction. Buildings, particularly along pedestrian-oriented streets, should respect the continuity and character of existing block fronts.
1. Height. Buildings should be constructed to a height compatible with existing surrounding buildings. Single story buildings should be avoided unless they have the appearance of a two story building when viewed from the front on the street.
 2. Width and Proportion. The width and proportion of buildings—the relationship of a building's width to its height—should be similar to, and compatible with, existing surrounding buildings along the street. When larger buildings are proposed, they should be articulated so that the major elements of the facade reflect the width and proportion of the surrounding buildings.
 3. Relationship to Street. Buildings should have setbacks to the street consistent

with nearby buildings. Buildings shall be located to front towards and relate to public streets, both functionally and visually, to the greatest extent possible. Buildings shall not be oriented to front toward a parking lot.

4. Street Level Vitality. The street level of buildings should be the primary orientation and access for pedestrians and provide continuity of visual interest. A pedestrian entrance and display windows should be provided along the front along main streets.
5. Roof Forms. The roofs of buildings should be consistent with and similar to surrounding buildings in type and shape.. This particularly includes use of pitched roofs or cornices along the front where such features are common.
6. Proportion of Openings. The size and proportion, or the ratio of width to height, of window and door openings should be similar and compatible with those in surrounding facades..

313.M. Signs and Awnings. Various signs on a property should be coordinated. Internally illuminated signs should be avoided. Signs should not cover architectural details. Overly bright, revolving or flashing lights and internally illuminated plastic signs should be avoided. Awnings can, in many instances, be a visual asset to a building and provide continuity along a block front. Awnings can also provide weather protection for pedestrians and be energy-efficient. The use of awnings should be carefully coordinated with each building so as to be compatible. The front panel of an awning may be used for a sign provided the sign image is integrated with the awning.

313.N. Porches. Existing older porches should be maintained and new porches should be considered on the front of new buildings.

313.O. Site Features. Parking areas, garages or storage buildings (particularly the prefabricated metal type) should not be built near the front or in areas visible from the street.

313.P. Fences. Chain-link metal fences should be avoided in the front yard. Picket or ornamental fences are encouraged. Solid wooden or vinyl plank fences should be placed in rear and side yards only. Highway-style metal guide rails should not be used.

313.Q. Utilities. New utilities should be placed underground. Where that is not practical, they should be placed in less visible parts of the site. For example, new utility lines should be extended from the rear of the property instead of the front.

313.R. Building Walls. Buildings should avoid long, monotonous, uninterrupted wall or roof planes. A wall surface should be no longer than 100 feet without a break. Building wall offsets, including both projections and recesses, and changes in floor elevation should be used in order to add architectural interest and variety, and relieve the visual effect of a single, long wall. Blank walls, loading docks and service areas

visible from the front from a street are discouraged. Windowless building walls are discouraged. Where the construction of a windowless wall is necessary, such wall should be articulated by the provision of blank window openings trimmed with frames, sills, and lintels, or by using recessed or projecting display window cases if the building is occupied by a commercial use. Ground floor retail, service and restaurant uses should have large pane display windows on the ground level.

- 313.S. HVAC. Commercial HVAC systems should be screened from view from the front of a lot using walls, fencing, roof elements or landscaping. Noise or odor producing ventilation equipment should be placed as far away from dwellings as is feasible.
- 313.T. Fire Escapes. New exterior fire escapes should not be constructed on the front facade of a building.
- 313.U. Security Gates. Solid metal security gates or solid roll-down metal windows should be avoided. Link or grill type security devices should be permitted only if installed from the inside, within the window or door frames; or, if installed on the outside, if the coil box is recessed and concealed behind the building wall. Security grilles should be recessed and concealed during normal business hours. Models that provide a sense of transparency, are encouraged.
- 313.V. Rendering. An architectural rendering or elevations should be prepared and become part of the submission to show the exterior design of the front facade of any proposed new principal non-residential building.

ARTICLE 4

ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

401. APPLICABILITY.

- 401.A. This Article establishes additional specific requirements for certain specific uses.
1. These requirements apply in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.
 2. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116.
 3. For uses allowed within a specific Zoning District as "Conditional Uses," see also Section 117.

402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.

402.A. Each of the following uses shall meet all of the following requirements for that use:

1. Adult Use. (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility)
 - a. Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - (1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the *Borough/Township*. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
 - (2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - (3) To avoid suppressing any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
 - b. An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
 - (1) 500 lineal feet from the lot line of an existing dwelling,
 - (2) 500 lineal feet from the lot line of any lot in a residential zoning district,
 - (3) 1,000 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park, day care center or child nursery.
 - c. No Adult Use shall be located within 1,000 lineal feet from any existing "adult use."
 - d. A 50 feet buffer yard shall be provided along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.

Huntingdon County Model Zoning Ordinance

- e. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Precautions shall be made to prohibit minors from entering the premises.
 - f. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
 - g. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
 - h. The Adult Use shall comply with State statutory law, such as limits on the sale or display of "obscene" materials.
 - i. An Adult Use shall be prohibited in all Districts except where specifically allowed under Section 306. Any Adult Use shall be considered a distinct principal use, and shall not be allowed under approval granted for any other use, such as a retail store or club.
 - j. A minimum lot area of 30,000 square feet is required.
 - k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
 - l. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Live Entertainment Use, employees, dancers or entertainers shall maintain a minimum distance of 2 feet from customers. This shall include, but not be limited to, a prohibition on "lap dancing."
 - m. Only lawful massages as established by court decisions shall be performed in a massage parlor.
 - n. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
 - o. Any application for such use shall state the names and home addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number shall be provided where the on-site manager can be reached during *Borough/Township* business hours. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
 - p. The use shall not operate between the hours of 12 midnight and 7 a.m.
 - q. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as may be amended from time to time: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters)."
 - r. An adult use shall not be on the same lot as a use that sells alcoholic beverages.
2. **Adult Day Care Center.**
- a. The use shall be fully licensed by the State, if required by the State.
 - b. The use shall include constant supervision during all hours of operation.
 - c. The use shall not include a "treatment center," as defined by this Ordinance.
3. **After Hours Club** - This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes). In the event that the use

would be determined to be allowed, a 200 feet setback shall apply from the building and any parking areas from any residential zoning district. The applicant shall prove that adequate on-site security will be in place.

4. **Animal Cemetery.**

- a. All the regulations for a "cemetery" in this Section shall apply.
- b. The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.

5. **Apartments** - See "Townhouses and Apartments" and "Conversions" in this Section 402.

6. **Assisted Living Facility/ Personal Care Center.** - The standards for nursing homes in this section shall apply.

7. **Auto, Boat or Mobile/ Manufactured Home Sales.**

- a. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
- b. See light and glare standards in Section 507.
- c. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.

8. **Auto Repair Garage.**

- a. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a residential lot line.
- b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 5. See buffer yard requirements in Section 803.
- c. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
- d. Overnight outdoor storage of "junk" other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
- e. Any "junk vehicle" (as defined by Article 2) shall not be stored for more than 20 days within view of a public street or a dwelling, unless it is actively under repair. A maximum of 6 junk vehicles may be parked on a lot outside of an enclosed building at any one time, unless it is actively under repair. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
- f. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.

9. **Auto Service Station.**

- a. See definition of this term and "Auto Repair Garage" in Article 2. The uses may be combined, if the requirements for each are met.
- b. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
- c. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet

- side yard principal building setback requirements.
- d. Overnight outdoor storage of "junk" shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
 - e. Any "junk vehicle" (as defined by Article 2) shall not be stored more than 20 days within view of a public street or a dwelling. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than 6 junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
 - f. The use may include a "convenience store" if the requirements for such use are also met.
 - g. A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line.
 - (1) Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: a) a sign may be attached to each of two sides of the canopy in place of an allowed freestanding sign, b) an allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line, and c) necessary warning signs.
 - (2) Within the minimum front yard building setback, the distance between the ground level and the bottom of the canopy shall not be greater than 20 feet. Parts of a sloped canopy may have a taller height if the purpose of the taller height is to deflect soot and glare away from the street or neighboring properties.
 - h. Fuel tanks and dispensers and ventilation equipment shall be setback a minimum of 100 feet from the lot line of any residential or institutional use (such as a school or nursing home). Fuel dispensers shall be setback a minimum of 30 feet from the existing street right-of-way line.

10. Bed and Breakfast Inn.

- a. Purposes. To provide alternative accommodations and to encourage and promote the retention and continued maintenance of historically significant properties within the *Borough/Township*, particularly buildings that are larger than average.
- b. Conditions.
 - (1) The owner of the bed-and-breakfast must reside in the dwelling or provide detailed information on the management of the establishment. The owner will provide a sworn statement certifying to such residency or management arrangements upon request of the *Borough/Township*.
 - (2) The parcel improved by the bed-and-breakfast shall provide or establish one off-street parking space per room or sleeping unit let.
 - (3) Each bed-and-breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area when the facility is established in a residential district, as provided for in the Zoning Ordinance.
 - (4) No room may be permanently occupied by the same paying guest(s).
 - (5) Each bedroom occupied by a paying guest shall be equipped with a properly installed and functioning smoke detector.
 - (6) A single exterior sign or display may be established on the site of the bed-and-breakfast. Said sign or display shall not exceed 8 square feet in area. No freestanding sign shall be located in an area where it can impede pedestrian traffic. If the sign or display is mounted perpendicular to the building, the bottom of the sign must be a minimum of 8 feet above the sidewalk.

11. Boarding House (includes Rooming House).

- a. Minimum lot area- 15,000 square feet.
- b. Minimum side yard building setback - 15 feet each side
- c. Minimum lot width- 100 feet
- d. Maximum density- 6 bedrooms per acre; but in no case shall the lot serve a total of more than 20 persons.
- e. Each bedroom shall be limited to 2 adults each.
- f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
- g. Note - There are separate standards for an "assisted living facility," which is not considered a boarding house.
- h. Signs- shall be limited to 2 wall signs with a maximum of 2 square feet each.
- i. Rooms shall be rented for a minimum period of 5 consecutive days.

12. Campground, Camp or Recreational Vehicle Campground

- a. Within a residential district, for each acre of total lot area, there shall be a maximum average of: a) 5 recreational vehicle sites (where allowed), b) 10 tent sites or c) cabin sleeping capacity for 20 persons. Such sites may be clustered in portions of the tract. Such maximum density shall not apply within a commercial district.
- b. Retail sales shall be allowed as an accessory use. Within a residential district, any store shall be limited to sales of recreational, household, food, gift and camping items. Within a residential district, any store shall be primarily intended to serve persons camping on the site.
- c. All campsites, recreational vehicle sites, and principal commercial buildings shall be setback a minimum of 50 feet from any contiguous lot line of an existing dwelling that is not part of the Campground or Camp. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within this buffer.
 - (1) The screening of evergreens provided in Section 803 between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
 - (2) Removal of trees within this buffer shall be allowed for necessary approximately perpendicular street, stormwater channel, driveway and utility crossings and to provide safe sight distance.
- d. Buildings used for sleeping quarters shall not be within the 100-year floodplain. See maximum steep slope disturbance provisions in the Subdivision and Land Development Ordinance.
- e. Maximum impervious coverage- Within a residential district, 30 percent, which shall include the typical lot area covered by recreational vehicles at full capacity.
- f. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year. No recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family, other than a resident manager/caretaker.
- g. Minimum lot area - 10 acres.

13. Car Wash.

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.

- b. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- c. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- d. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- e. No portion of a car wash shall be located within 100 feet from the centerline of a perennial waterway.
- f. Minimum lot area - 5 acres, which shall be reduced to 1 acre if the applicant proves that most of the water used in the operation will be recycled on-site.

14. **Cemetery.**

- a. Minimum lot area- 2 acres, which may on the same lot as an allowed place of worship.
- b. A crematorium, where allowed by Article 3, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- c. All structures and graves shall be setback a minimum of: 30 feet from the future right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.
- d. No grave sites and no structures shall be located within the 100-year floodplain.
- e. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the *Borough/Township* Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

15. **Commercial Communications Antennae/Tower as principal or accessory use.**

- a. An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
 - 1) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - a) a principal agricultural building or silo,
 - b) an electric high voltage transmission tower,
 - c) an existing lawful commercial communications tower,
 - d) a fire station or steeple or bell tower of a place of worship, or
 - e) a water tower.
 - 2) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
- b. Any commercial communications antenna/tower that does not meet Section "a." above (such as a new freestanding tower) shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
 - 1) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the

surrounding ground level. The Board may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.

- 2) A new tower, other than a tower on a lot of an emergency services station, shall be setback the following minimum distance from any existing dwelling: 300 feet plus the total height of the tower above the surrounding ground level.
 - 3) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
 - 4) The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the Construction Code.
 - 5) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the *Borough/Township*.
 - 6) An applicant for a new commercial communications tower shall provide evidence to the Board that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
 - 7) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.
 - 8) The application shall describe any proposed lighting. The Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters. Strobe lighting shall not be used, but flashing lights may be used.
 - 9) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
- c. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
- 1) To protect property values.
 - 2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 - 3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
- d. A tower/antenna that is intended to primarily serve emergency communications by a *Borough/Township*-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may

- also serve commercial purposes.
- e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
 - f. All accessory utility buildings or cabinets shall: have a maximum total floor area of 400 square feet (which may be divided among adjacent buildings serving separate companies), have a maximum height of 10 feet and meet principal building setbacks.
 - g. No new or existing antenna shall cause interference with public safety telecommunications. The *Borough/Township* may require the applicant for a new commercial communications tower to submit a study by a radio frequency engineer or other qualified professional to analyze the threat of interference. The study shall also show that the tower and antenna will not create interference with other communications systems, such as amateur ham radio operators.

16. **Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.**

- a. See Article 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.
- b. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
 - 1) The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
 - 2) The conversion shall not be permitted if it would require the development of an exterior stairway on the front of the building, or would require the placement of more than 3 off-street parking spaces in the required front yard.
- c. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
- d. A maximum total of 4 dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Ordinance, unless the building included more than 3,000 square feet of building floor area at the time of adoption of this Ordinance.
- e. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.

17. **Day Care Center, Child.**

- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.
- b. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Public Welfare (or its successor agency) registration certificate or license.
- c. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.
- d. In residential districts, where permitted as a principal use, a day care use shall have a minimum lot area of 8,000 square feet and a minimum setback for the principal building of 8 feet from an abutting lot line of a dwelling in a residential district. *Note - A larger lot size is appropriate in many townships.*
- e. The use shall include secure fencing around outdoor play areas.

- f. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- g. In residential districts, any permitted day care use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
- h. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
- i. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.

18. **Emergency Services Station.**

- a. The following uses shall be allowed as accessory uses to the principal use of a fire company station: a banquet hall, bingo games, fairgrounds for periodic special events, and auction house. Any building area uses for a banquet hall shall be setback a minimum of 20 feet from the lot line of an existing dwelling and be separated from such residential lot line by a buffer yard meeting Section 803.

19. **Forestry.** See "Timber Harvesting" in this Section.

20. **Golf Course.** A golf course may include a restaurant or clubhouse provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling. The maximum impervious area covered by man-made surfaces shall not exceed 5 percent of the total lot area of the golf course.

21. **Group Homes.** Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

- a. The use shall meet the definition in Section 202.
- b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
- c. A Group Home shall include the housing of a maximum of 4 unrelated persons, by right and up to 6 unrelated persons by special exception, except:
 - 1) if a more restrictive requirement is established by another *Borough/Township Code*;
 - 2) the number of bona fide paid professional staff shall not count towards such maximum; and
 - 3) as may be approved by the Zoning Hearing Board under Section 111.D.
- d. The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a State or County human service agency, then this requirement shall have been deemed to be met.
- e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
- f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
- g. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 4 persons at one time.
- h. Parking - See Section 601.
- i. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- j. The persons living on-site shall function as a common household unit.
- k. The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.
- l. An off-street parking space shall be provided for the largest vehicle that serves the use.

- m. The building shall have lighted exit lights, emergency lighting and inter-connected smoke alarms.
- 22. **Heliport.** The following provisions shall not apply to a heliport serving a hospital:
 - a. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.
 - b. The Zoning Hearing Board may place conditions on the size of helicopters, frequency of use, fueling facilities, setbacks and hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or Federal or State regulations, the Zoning Hearing Board may require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas.
- 23. **Hotel or Motel.**
 - a. See definitions in Section 202, which distinguish a hotel/motel from a boarding house.
 - b. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."
- 24. **Intensive Agriculture** - See provisions under "Raising of Livestock and Poultry" in this Section.
- 25. **Junkyard.** (includes automobile salvage yard)
 - a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
 - b. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.
 - c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to allow access by emergency vehicles. At least one off-street parking space shall be provided for every employee and one parking space for every one acre of junkyard area.
 - d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
 - e. Burning or incineration is prohibited.
 - f. See the noise or dust regulations of Article 5.
 - g. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
 - h. Lot area - 5 acres minimum; 20 acres maximum.
 - i. Tires - see the "Outdoor Storage and Display" standards in Section 403.
 - j. Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.
- 26. **kennel.**

- a. All buildings in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from all "residential lot lines." This 150 feet setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- c. No animal shall be permitted to use outdoor runs from 9 p.m. to 8 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. See State law regulating kennels.
- e. Minimum lot area - 5 acres, unless a larger lot area is required by another section of this Ordinance.

27. **Livestock and Poultry, Raising of. (Note – Care is needed in regulating this use because the State preempts certain aspects of regulation, such as the location of manure storage facilities.)**

- a. Minimum lot area - 5 acres, except a minimum lot area of 25 acres shall apply for an "Intensive Agriculture" use.
- b. Except for an Intensive Agriculture use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 300 feet from a lot in a residential district, 2) 200 feet from an existing dwelling that is not within a residential district, 3) 50 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- c. For an Intensive Agriculture use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 600 feet from a lot in a residential district, 2) 200 feet from an existing dwelling that is not within a residential district, and 3) 100 feet from all other exterior lot lines. For the expansion of facilities that existed prior to the adoption of this Ordinance, the Zoning Hearing Board may approve as a special exception use a smaller setback where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- d. The setbacks from property lines provided in this Section 402.A. for this use shall not apply from dwellings or lots owned by: (1) the operator or owner of the livestock use, (2) affected property-owners providing a written notarized letter waiving such setback, or (3) a building housing hogs that is above a manure holding facility.
- e. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
- f. For a new or expanded raising of livestock or poultry use, evidence shall be provided by the operator/applicant to the *Borough/Township* to show that there will be compliance with procedures and requirements of the State Nutrient Management Act and accompanying State regulations.
- g. Buildings used for the keeping of livestock or poultry shall:
 - (1) not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir, and

- (2) not be located within 100 feet of an active public water supply drinking well or an active intake for a public water supply.
- h. For manure storage facilities that are specifically required to have a setback from lot lines under the Pennsylvania Nutrient Management regulations, that State setback shall apply. For any other manure storage facilities, a 100 feet minimum setback shall apply from all lot lines.
- i. The following additional requirements shall apply to an Intensive Agriculture use:
 - (1) The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
 - (2) The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. The applicant shall provide a written comparison of proposed methods of controlling insect and odor nuisances and avoiding water pollution to applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for Environmental Protection, or their successor publications. The applicant may meet this requirement by providing a cross-reference to certain sections of such manuals or other written industry standards to describe the methods that will be used.
 - (3) The location of the facility is requested to consider prevailing wind patterns as they may affect the nearest existing dwellings.
 - (4) An area shall be provided for trucks to turnaround on the property that avoids the need to back out onto a public road.

28. **Manufactured Homes.** See "Mobile/Manufactured Home" in this Section.

29. **Membership Club.**

- a. See definition in Article 2.
- b. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."
- c. This use shall not include an "After Hours Club."

30. **Mineral Extraction.**

(Note – The following provisions assume that conditional use approval is required. A rural community may decide to exempt small operations from these requirements, such as a two acre maximum area used to unearth shale).

- a. The following additional requirements shall be met:
 - 1) The applicant shall prove that a continuous route over roads will be available and will be used by trucks leaving the use that entirely involves roads with a minimum paved cartway width of 18 feet from the exit driveway of the mineral extraction use to reach a State numbered highway. This route shall consider any improvements that the applicant proposes to fund.
 - 2) A copy of all information submitted to State agencies regarding compliance with State regulations shall also be submitted to the Zoning Officer at the same time as it is submitted to the State.
 - 3) A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall

be a condition of *Borough/Township* permits.

- 4) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
 - 5) A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. The Board may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
 - (a) New trees and ground cover shall not be required where preserved trees will serve the same purpose.
 - 6) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - (a) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
 - (b) 150 feet from a non-residential principal building, unless released by the owner thereof,
 - (c) 400 feet from the lot line of a dwelling,
 - (d) 150 feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.
 - 7) The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
 - 8) Truck access to the use shall be located to reasonably minimize: hazards on public streets and dust and noise nuisances to residences.
 - 9) Fencing. The *Borough Council/Board of Supervisors* may require secure fencing in locations where needed to protect public safety. As an alternative, *Borough Council/Board of Supervisors* may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
 - 10) Hours of Operation. The *Borough Council/Board of Supervisors*, as a condition of conditional use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
 - 11) The applicant shall prove as a standard for the conditional use that the activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
 - 12) The *Borough/Township* may require that the applicant post financial security to cover the costs of damage that may occur to entrances and exits to public roads as a result of the trucks carrying mining materials.
 - 13) A plan shall be submitted showing sequential phases of mining activities on the land. Reclamation shall be initiated on one phase before the next phase is opened for mining.
 - 14) A plan shall be submitted showing how dust will be controlled.
31. **Mobile/Manufactured Home** - Installed on an individual lot or within a mobile/manufactured home park approved after the adoption of this ordinance.

- a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Manufactured Housing Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
- b. Each site shall be graded to provide a stable and well-drained area.
- c. Each home shall have hitch and tires removed.
- d. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the Construction Codes shall apply, in addition to the manufacturer's specifications for installation.
- e. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material. This enclosure shall have the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing, except that metal, fiberglass or similar skirting shall be allowed for a dwelling within a Manufactured/Mobile Home Park. Provisions shall be provided for access to utility connections under the home.

32. **Mobile/Manufactured Home Park.**

- a. Plans and Permits. Plans shall be submitted and reviewed by the *Borough/Township* for all mobile/manufactured home parks in compliance with the mobile/manufactured home park provisions of the Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this Section).
- b. The minimum tract area shall be 1 contiguous acre, unless a larger tract area is required by Section 306 in a particular zoning district. This minimum tract area shall be under single ownership.
- c. Density - The maximum average density of the tract shall be 4 dwelling units per acre.
 - (1) To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 25 percent shall not be included.
- d. Landscaped Perimeter - Each mobile/manufactured home park shall include a 35 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Zoning Hearing Board. The same area of land may count towards both the landscaped area and the building setback requirements.
- e. A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- f. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
- g. The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 50 feet.
- h. Each home shall comply with the requirements for "Mobile/Manufactured Homes" stated in the preceding sub-section.
- i. Accessory Structures. A detached accessory structure or garage shall be separated a

- minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
- j. "Common Open Space" for a Mobile Home Park. A minimum of 15 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation.
 - k. Streets.
 - (1) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
 - (2) Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
 - (3) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other *Borough/Township* cartway construction standards.
 - l. Utilities. All units within the mobile home park shall be connected to a public water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements. The applicant shall prove that adequate provisions are made for solid waste disposal.
 - m. Along through-streets, a minimum nighttime lighting level of 0.2 foot candles shall be maintained, as no expense to the *Borough/Township*.
 - n. Other Requirements. A manufactured/mobile home park shall comply with all of the same requirements of *Borough/Township* ordinances that apply to a subdivision or land development of site-built single family detached dwellings, except for requirements that are specifically modified by this Section 402.A.
33. **Motor Vehicle Race Track.**
- a. All areas used for the racing, testing and maintenance of motor vehicles shall be setback a minimum of 400 feet from the lot line of an existing dwelling or a residential district boundary.
 - b. All buildings, parking, loading and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling or a residential district boundary.
 - c. The applicant shall prove that the standards of Article 5 will be met, including noise, lighting and dust.
 - d. Minimum lot area - 30 acres.
34. **Nursing Home.**
- a. Licensing - See definition in Article 2.
 - b. A minimum of 15 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
35. **Outdoor Storage and Display.** - The provisions listed for this use under Section 403 shall apply.
36. **Picnic Grove, Commercial.**
- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 150 feet from an existing dwelling on another lot. All parking areas shall be setback a minimum of 75 feet from any residential lot line. The use shall not operate between the

hours of 11 p.m. and 7 a.m.

- b. See noise and glare standards in Article 5.
- c. Minimum lot area - 5 acres.

37. **Place of Worship.**

- a. Minimum lot area- 30,000 square feet in a residential district, unless a larger lot area is required by the applicable zoning district. In any other district, a place of worship shall meet the minimum lot area provided in Article 3 for that district.

(Note - A larger lot size would be appropriate in most townships in residential districts, such as 2 acres, to prevent a one acre single family lot in the middle of a development from being converted into a place of worship, and to allow room for parking and future expansion.)

- b. Weekly religious education rooms and meeting rooms are permitted accessory uses provided they are incidental to the place of worship. A primary or secondary school and/or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met. See Section 305. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.
- c. A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family.

38. **Recreation, Outdoor**

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 100 feet from an existing dwelling on another lot.
- b. This use does not include "Publicly-Owned Recreation," a "Golf Course," or a "Motor Vehicle Racetrack."
- c. See provisions for a non-household swimming pool in this Section 402.
- d. Lighting, noise and glare control - See Article 5.
- e. Where woods exist adjacent to an exterior lot line of the use adjacent to a residential lot line, such woods shall be preserved within at least 20 feet of such lot line, except for approved driveway, utility and trail crossings. Where such woods will not exist, a 20 feet wide buffer yard in accordance with Section 803 shall be required.

39. **Recycling Collection Center.**

- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
- b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- d. A 20 feet wide buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
- e. This use may be a principal or accessory use, including being an accessory use to a commercial use, college, an industrial use, a public or private primary or secondary school, a place of worship or a Borough/Township-owned use, subject to the limitations of this section.
- f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored

- on site.
 - g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
 - h. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
 - i. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.
40. **Residential Conversions.** See "Conversions of an Existing Building" within this Section.
41. **Restaurant.**
- a. Screening of Dumpster and Waste Containers - See Section 806.
 - b. See "Drive-Through" service in Section 403.
 - c. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.
42. **School, Public or Private, Primary or Secondary**
- a. Minimum lot area - 40,000 square feet in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
(Note - A larger lot size would be appropriate in most townships in residential districts, such as 2 acres, to provide room for parking, recreation and buffers and to prevent a typical residential lot in a rural subdivision from being converted into a school)
 - b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
 - c. The use shall not include a dormitory unless specifically permitted in the District.
43. **Self-Storage Development.**
- a. All storage units shall be of fire-resistant construction.
 - b. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
 - c. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
 - d. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
 - e. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
 - f. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
 - g. See Section 803 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 803. Any fencing shall be placed on the inside of the plantings.
 - h. Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.

(Note - If a municipality has limited undeveloped land, it probably does not need to provide for most

solid waste uses).

44. Solid Waste Transfer Facility, Solid Waste Landfill or Solid Waste-to-Energy Facility.

- a. All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than 1/2 acre in area.
- b. All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
- c. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
- d. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
- e. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the *Borough/Township*. Violations of this condition shall also be considered to be violations of this Ordinance.
- f. Open dumps and open burning of refuse are prohibited.
- g. The applicant shall prove to the satisfaction of the Board of Supervisors that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the *Borough/Township*.
- h. The applicant shall prove to the satisfaction of the Board of Supervisors that the use would not routinely create noxious odors off of the tract.
- i. A chainlink or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Board of Supervisors that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
- j. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
- k. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- l. Attendant. An attendant shall be present during all periods of operation or dumping.
- m. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- n. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- o. Under authority granted to the *Borough/Township* under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
- p. Tires. See "Outdoor Storage and Display" in Section 403.
- q. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.

- r. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
 - s. The applicant shall provide sufficient information for the *Borough/Township* to determine that the requirements of this Ordinance will be met.
 - t. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the *Borough/Township* and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts *Borough/Township* regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans regarding compliance with State mining regulations that are submitted to PA. DEP at the same time as they are submitted to DEP.
 - u. For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
45. **Stable, Nonhousehold.** (Includes riding academies; See also "Keeping of Pets in Section 403)
- a. Minimum lot area - 2 acres for the first horse or similar animal, plus 1 acre for each additional horse or similar animal.
 - b. Any horse barn, manure storage areas or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling.
 - c. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.
46. **Swimming Pool, Non-Household.**
- a. The water surface shall be setback at least 50 feet from any existing dwelling on another lot.
 - b. Minimum lot area- 1 acre.
 - c. Any water surface within 100 feet of an existing dwelling on another lot shall be separated from the dwelling by a buffer yard meeting Section 803.
 - d. The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.
 - e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
47. **Target Range, other than a range used by residents of a lot.**
- a. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety.
 - b. The design of an outdoor firearms target range shall be compared by the applicant with applicable published guidelines of the National Rifle Association. The Zoning Hearing Board may consider such guidelines to be the generally accepted standard for the safety of these facilities.
 - c. An outdoor firearms target range and any firing stations shall be located a minimum of 250 feet from any "residential lot line", unless all firing would occur within a completely enclosed sound-resistant building. Clay pigeon shooting shall be directed away from

homes and streets.

- d. An outdoor firearms target range shall be properly posted. The Zoning Hearing Board may require fencing as necessary.
- e. The applicant shall provide evidence that the noise limits of Article 5 will be met.
- f. An indoor firearms target range shall be adequately ventilated and/or air conditioned to allow the building to remain completely enclosed.
- g. A target range shall only be used for types of firearms or other weapons for which it was specifically designed. Automatic weapons shall not be used.
- h. An outdoor target range shall not be used during nighttime hours. Maximum hours and days of operation may be established as a condition of the zoning approval.
- i. Minimum lot area for an outdoor firearms target range - 10 acres, unless a more restrictive provision is established by another provision of this Ordinance.
- j. See Section 803. Wherever woods exist adjacent to an exterior lot line of an outdoor firearms target range, such woods shall be preserved within at least 100 feet of each such lot line, except for approved driveway, utility and trail crossings.
- k. The provisions of this Subsection 46. shall not apply to target shooting as a customary accessory use by a resident or owner of a lot if allowed under Section 306.

(Note - If a municipality includes few areas of forests (such as many boroughs), the following provisions do not need to be included in a zoning ordinance.)

48. **Timber Harvesting.**

- a. Purposes. To promote management of forests for long-term benefits; promote good forest stewardship; protect adjoining property owners; minimize the potential for adverse environmental impacts; and avoid unreasonable restrictions on forestry.
- b. Applicability. Timber harvesting shall be permitted by right in all zoning districts, provided it complies with the requirements of this Ordinance. This section shall regulate all timber harvesting when the total harvesting area is 1 acre or greater in a calendar year.
 1. These provisions shall not regulate the following:
 - a) cutting of up to 10 percent of trees with a trunk diameter of 6 inches or greater (measured 3.5 feet above the ground level) on a lot in any calendar year, provided such cutting does not involve clear cutting but instead involves routine thinning of woods;
 - b) cutting of trees with a trunk diameter of less than 6 inches (measured 3.5 feet above the ground level),
 - c) cutting of dead trees, and
 - d) cutting of trees that the applicant proves to the Zoning Officer is necessary to accommodate a Township-approved subdivision, land development, street, driveway, building, utility or use.
- c. Application Requirements. An application for timber harvesting shall be made a minimum of 30 days prior to the start of work. No forestry shall occur until a permit has been issued by the Zoning Officer.
 1. The application shall include a written timbering plan, which shall be prepared by a qualified professional. The provisions of the plan shall be followed throughout the operation. The plan shall be available for inspection at the harvest site at all times during the operation.
 2. The landowner, the applicant and the timber operator shall be jointly and separately responsible for complying with the terms of the timber harvesting plan and permit.
 3. The applicant shall specify, in writing, the land on which harvesting will occur, the expected size of the harvest area, and the anticipated starting and completion date of

the operation. The zoning permit shall be valid for up to two years from the date of issuance.

4. The timber harvesting plan shall include, at a minimum, the following information:
 - a) A narrative of proposed cutting practices and/or stand prescription(s) for each stand in the proposed harvest area and the construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - b) An erosion and sedimentation control plan approved by the County Conservation District if over 1 acre will be disturbed;
 - c) All timbering activities shall use "Best Management Practices" which shall be shown on the plan;
 - d) A narrative of all stream and road crossings, including required permits from the appropriate agency;
 - e) All Township and/or PennDOT Highway Occupancy permits, if applicable;
 - f) An application shall be submitted to the Township, with a map showing waterways, drainageways, approximate wetlands, lakes, roads, lot lines, and proposed harvest areas.
 - g) The application shall also include the name and address of the property owner and the person who will be responsible to oversee the timber harvesting.
 - h) The application shall also show proposed erosion and sedimentation control measures, proposed crossings of waterways and proposed vehicle entrance and exit points onto streets.
- e. Timber Harvesting Practices.
 - 1) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the street.
 - 2) No tops or slash shall be left within 25 feet of any public thoroughfare, property line or private roadway providing access to adjoining residential property.
 - 3) All tops and slash between 25 and 50 feet from a public street right-of-way or private road providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped so that they do not extend more than 4 feet above the surface of the ground.
 - 4) Timber harvesting is prohibited within 100 feet of the top of the bank on each side of all perennial waterways, except this distance may be reduced to 50 feet if all of the following conditions are met:
 - a) The basal area of trees in that area within the 100 foot setback shall not be reduced below 50 percent of the basal area present before cutting.
 - b) Trees to be cut within the 100 foot zone described shall be marked with paint or ribbons prior to the start of timber harvesting.
 - c) All earthmoving within this area shall be minimized or fully avoided.
 - 5) No tops or slash shall be left within a stream channel or floodway. Unless fully delineated, a floodway shall be assumed to be all that area within 50 feet from the center of a waterway.
 - 6) The use of clear-cutting must be fully justified by a timber harvesting plan prepared by a qualified professional. Detailed information concerning increased stormwater runoff, erosion control and a plan to assure regeneration shall be provided. Clearcutting shall not be allowed on contiguous areas greater than 1/2 acre. Clearcutting shall be prohibited on slopes greater than 25 percent.
 - 7) A 20 feet minimum setback shall be maintained for timber harvesting from a public street right-of-way and from any lot line of property, except such lot line setback

shall not apply if the adjoining property owner provides a written, notarized and signed waiver of the setback to the zoning officer.

- 8) If timber harvesting involves more than 2 acres, a minimum of 30 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed to promote re-forestation.
- f. Public Road Responsibility - The landowner and the operator shall be responsible for repairing any damage at locations of entry or exit to Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic.

49. **Townhouses and Apartments.**

- a. Maximum number of townhouses in any attached grouping - 8.
- b. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
- c. Garages. It is strongly recommended that all Townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- d. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
- e. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
- f. Common Open Space. If a development includes more than 5 acres, then a minimum of 15 percent of the total lot area of the development involving Townhouses and Apartments and their accessory uses shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation.
 - (1) A recreation building or pool available to all residents of the development may count towards the open space requirement. Areas with a width of less than 50 feet shall not count towards this requirement.

50. **Treatment Center.**

- a. See definition in Section 202.
- b. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.
- c. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.
- d. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
- e. If the use involves 5 or more residents, a suitable recreation area shall be provided that is supervised by the center's staff.

51. **Trucking Company Terminal.**

- a. As a condition of approval, the Zoning Hearing Board may require additional earth berming, setbacks, landscaping and lighting controls as they determine to be necessary to

provide compatibility with adjacent dwellings. These measures shall be designed to minimum glare, noise, soot, dust, air pollutants and other nuisances upon dwellings.

52. **Veterinarian Office.** (includes Animal Hospital)

- a. Minimum lot area - 1 acre.
- b. Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- c. Animals undergoing treatment may be kept as an accessory use. However, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

53. **Windmill(s) Designed Primarily for Generating Electricity for Off-Site Use.**

- a. The application shall include the following information:
 - (1) The name of project applicant.
 - (2) The name of the project owner.
 - (3) The legal description and address of the project.
 - (4) A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
 - (5) Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
 - (6) Engineer's certification.
 - (7) Documentation of land ownership or legal control of the property.
 - (8) A topographical map of the property and surrounding area showing the proposed windmill locations.
 - (9) An Acoustical analysis.
 - (10) Information on compliance with any FAA regulations.
 - (11) Decommissioning Plan.
- b. Definitions.
 - (1) Fall Zone: The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure. This area is less than the total height of the structure.
 - (2) Conservation Lands: Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Gamelands, State Forest, State Parks, Natural Areas, and Federal Recreation Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
 - (3) Rotor Diameter: The diameter of the circle described by the moving rotor blades.
 - (4) Total Height: The highest point, above ground level, reached by a rotor tip or any other part of the Windmill.
 - (5) Tower: Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.
 - (6) Tower Height: The total height of the Windmill exclusive of the rotor blades.
 - (7) Windmill or Wind Turbine: A wind turbine is any piece of electrical generating

equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

- c. Setbacks. A Windmill regulated by this Section shall be setback the following minimum distances, whichever is greater:
 - (1) 1.1 times the total height from any lot line
 - (2) A distance equal to the fall zone from any street right-of-way
 - (3) 600 feet from any public recreation lands
 - (4) 1,000 feet from any occupied dwelling unit on another lot
- d. Temporary towers designed to test possible locations for a windmill shall be permitted by right, provided they are removed within one year and meet the same setbacks as a windmill.
- e. A professional engineer shall certify that the foundation and tower design of the Windmill is within accepted professional standards for stability, given local soil conditions.
- f. Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.
- g. Warnings:
 - (1) A sign(s) shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
 - (2) For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of 8 feet above the ground. Visible fencing may be required around anchor points of guy wires.
- h. Decommissioning - A Windmill shall be considered a discontinued use after 1 year without energy production, unless a plan is developed and submitted to the Zoning Officer outlining the steps and schedule for returning the Windmill to service. All Windmills and accessory facilities shall be removed to four feet below ground level within 90 days of the discontinuation of use.
 - (1) A Decommissioning plan shall outline the anticipated means and cost of removing Windmill at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the Windmill and accessory facilities.
- i. All Windmills shall comply with the noise limits of this Ordinance, as well as Construction and Electrical Codes requirements and Federal Aviation Administration requirements if within an approach zone to an airport and in regards to lighting.
- j. Interference The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by any Windmill.

403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.

- 403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.
- 403.B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more

restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.

403.C. Front Yard Setback. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.

403.D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:

1. Antenna, Standard. (includes amateur radio antenna)
 - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - b. Anchoring. An antenna shall be properly anchored to resist high winds.
2. Day Care, Child - as accessory to a Dwelling .
 - a. See Section 306 under Accessory Uses and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
 - b. In any case, 7 or more children (other than children who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling without being required to meet this Section 403.D.2.. Four to 6 children (in addition to children who are "related" to the primary caregiver) shall only be cared for at one time within a dwelling that is not attached to another dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit.
 - c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
 - d. The use shall be actively operated by a permanent resident of the dwelling.
 - e. If 7 or more children are cared for who are not related to the primary caregiver, then a minimum of 400 square feet of exterior play area shall be available, surrounded by a 6 feet high secure fence.
 - f. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
 - g. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
 - h. The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
3. Drive-through facilities
 - a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - b. On-lot traffic circulation and parking areas shall be clearly marked.
 - c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
4. Fences and Walls.
 - a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed. A fence shall not be required to comply with minimum setbacks

for accessory structures.

- b. No fence, wall or hedge shall obstruct the sight distance as required by Section 803.C. and/or the Subdivision and Land Development Ordinance. (Note - The sight distance provisions typically regulate features over 3 feet in height.)
- c. Fences -
 - 1) Front Yard. Any fence located in the required minimum front yard of a lot in a residential district shall:
 - a) be an open-type of fence (such as picket, wrought iron, vinyl post, or split rail) with a minimum ratio of 1:1 of open to structural areas, and
 - b) not exceed 4 feet in height. A taller height may be approved by the Zoning Officer if necessary to contain animals or to address a specific hazard, such as an electric transformer.
 - 2) On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a minimum front yard. However, a fence that only extends behind the rear of a dwelling may have a maximum height of 6.5 feet along one of the streets, other than the street that is along the front of the dwelling.
 - 3) Height.
 - a) A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6.5 feet, except a maximum of height of 10 feet shall be allowed around a tennis court (provided it is outside of the minimum front yard) and a taller height may be allowed where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.
 - b) A fence in the minimum front yard that is not within a residential district shall have a maximum height of 4 feet.
 - 4) Setbacks. No fence shall be built within an existing street right-of-way. A fence may be constructed without a setback from a lot line, except that a fence shall be located on the inside of any buffer plantings required by Section 803 and except that a 5 feet minimum setback shall apply for a fence of a principal business that is more than 6 feet in height and that is adjacent to a principal dwelling. Where no setback is required, a 1 foot or greater setback is recommended to provide for future maintenance of the fence and to account for possible inaccurate lot lines.
 - 5) Fence materials. Barbed wire shall not be used as part of fences around dwellings in residential districts. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence or wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums or barrels.
- d. Walls -
 - 1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts. However, if a retaining wall is over 8 feet in height, it shall be setback a minimum of 15 feet from a lot line of an existing dwelling.
 - 2) No wall of greater than 3 feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign as permitted in Section 704.
 - 3) A wall in a residential district outside of a required front yard shall have a maximum height of 3 feet if it is within the minimum accessory structure setback..
 - 4) Walls that are attached to a building shall be regulated as a part of that building.

5. **Garage Sale (includes Yard Sale, Moving Sale and Porch Sale).**

- a. See definition in Article 2. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
- b. Each dwelling may have garage sales on a maximum of 6 total days per calendar year.
- c. The use shall be clearly accessory to the principal use.
- d. No outdoor storage shall be permitted when the sale is not in operation.
- e. All items shall be placed and offered for sale within the confines of the property described in the permit.
- f. No toxic or alcoholic beverages shall be offered for sale at a garage sale.
- g. Garage sale signs shall have a maximum sign area of 2 square feet, shall not be placed more than one day before the sale, and shall be removed within 24 hours after the conclusion of the garage sale.

6. **Home Occupations.**

(Note - A municipality may wish to specifically call out a No-Impact Home-Based Business as a distinct use. That type of accessory business must be allowed by right in any dwelling under the PA. MPC. This model ordinance was written to allow No-Impact Home-Based Business as a type of Minor Home Occupation. This model ordinance was designed to allow other types of home occupations to be permitted by right, in addition to types that must be permitted by right under State law.)

- a. All home occupations shall meet the following requirements:
 - 1) The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on-site at any one time who does not reside within the dwelling. A maximum of one non-resident employee shall visit the property on a daily basis or operate a vehicle based at the property.
 - 2) The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
 - 3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
 - 4) One off-street parking space shall be required per non-resident employee. In addition, for a Major Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
 - 5) The use shall not require delivery by tractor-trailer trucks.
 - 6) The regulations of Section 403.A.9.d. regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
 - 7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
 - 8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.

- 9) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
- 10) A barber or beauty shop shall not include any non-resident employees.
- 11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
- 12) A Home Occupation may include a single one square foot non-illuminated sign, as permitted by Article 7. The sign shall have a maximum height above the ground of 6 feet and may be attached to a building or a pole. The sign shall not be allowed within the street right-of-way.
- 13) The Zoning Hearing Board shall deny a Major Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
- 14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
- 15) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.
- 16) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.
- 17) A zoning permit shall be required for a Major home occupation.

b. In addition to the requirements listed in "a" above, the following additional requirements shall apply to a "Minor Home Occupation:"

- 1) The use shall not routinely involve routine visits to the home occupation by customers or more than one non-resident employee at a time.
- 2) The use shall only involve the following activities:
 - (a) work routinely conducted within an office,
 - (b) custom sewing and fabric and basket crafts,
 - (c) cooking and baking for off-site sales and use,
 - (d) creation of visual arts (such as painting or wood carving),
 - (e) repairs to and assembly of computers and computer peripherals, and
 - (f) a construction tradesperson, provided that no non-resident employees routinely operate from the lot.
- 3) A zoning permit shall not be required for a Minor Home Occupation.

7. **Outdoor Storage and Display.** Commercial or Industrial as a Principal or Accessory Use.

- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
- b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain.
- c. Screening. See Section 803.
- d. Tire Storage.
 - 1) For tires not mounted on a motor vehicle, any outdoor storage of more than 5 tires on a lot in a residential district or more than 50 used tires in a non-residential district shall only be permitted as part of a *Borough/Township*-approved junkyard.

- 2) The outdoor storage of more than 50 used tires shall be limited to the Industrial Commercial District.
- 3) Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet. If the same set of tires is stored on a lot for more than 6 months, they shall be stored within a building or trailer.
- 4) The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.

8. **Pets, Keeping of.**

- a. This is a permitted by right accessory use in all districts.
- b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
- c. A maximum combined total of 5 dogs and cats shall be permitted to be kept by residents of each dwelling unit on their residential premises.
 - 1) Such limits shall only apply to dogs or cats over 6 months in age.
 - 2) Any greater number of dogs and/or cats shall need approval as a "kennel".
- d. Pigeons, chickens, roosters, ducks, geese and/or similar fowl shall not be kept on a lot of less than 1 acre. However, if the total weight of such fowl exceeds 500 pounds, then the requirements shall be met for "Raising of Livestock or Poultry."
- e. Any keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors for neighbors.
- f. Horses: Minimum lot area - 2 acres for first horse or similar animal, plus 1 acre for each horse or similar animal in excess of one. Any horse barn, manure storage areas or stable shall be a minimum of 75 feet from any "residential lot line."
- g. See the definition of "Pets" in Section 202. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, fish, gerbils and lizards.
 - (1) The following and similar animals shall only be allowed to be kept as pets if the Zoning Hearing Board approves a particular number and type of species as a special exception after the applicant proves they will not cause nuisances or hazards: bears, wolves, wolf-dog hybrids, venomous snakes that could be toxic to humans, monkeys, apes, constrictor snakes that could be dangerous to humans, or any "exotic wildlife" as defined by the Pennsylvania Game & Wildlife Code. Exotic Wildlife shall also require an exotic wildlife possession permit from the State.
- h. The keeping of cows, sheep, goats and hogs shall require a minimum lot area of 5 acres.

Recreational Vehicle Parking - See under Residential Accessory Structure or Use in this Section.

9. **Residential Accessory Structure or Use.** (see definition in Article 2)

- a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 307.A., unless specifically

exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in Section 307.

- b. Height. See Section 307.B.
 - c. See setback exceptions in Section 803.B.
 - d. Unlicensed and Inoperable Vehicles. See the provisions of the *Borough/Township* Property Maintenance Code. See also the definition of "Junkyard."
10. **Swimming Pool, Household.** (referred hereafter as "pool") -
- a. See the requirements of the Construction Code regarding fencing of pools. In the event such Construction Code does not result in a fence being required, then this Zoning Ordinance provision shall apply. Every swimming pool containing 24 inches or more of water depth shall include a fence, wall, above-ground pool walls or similar enclosure surrounding the pool. Such enclosure shall extend not less than 4 feet above the ground. All gates shall be self-closing and self-latching, with latches placed at least 4 feet above the ground.
 - b. A swimming pool shall not be located in a minimum front yard. The water surface and any raised decking of a swimming pool shall be setback a minimum of 5 feet from side and rear lot lines.
11. **Unit for Care of Relative.**
- a. The use shall meet the definition in Section 202.
 - b. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
 - c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit or is a modular cottage that will be completely removed from the lot after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconverted to a garage or permitted home occupation area.
 - d. The applicant shall establish a legally binding mechanism in a form acceptable to the *Borough/Township* that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
 - e. The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.
 - f. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit, except a detached dwelling may be specifically approved by the Zoning Hearing Board as a special exception. If a detached modular dwelling is placed on the property, it shall be completely removed within 90 days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it will meet principal building setbacks and has a maximum building floor area of 900 square feet.
 - g. Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.

ARTICLE 5

ENVIRONMENTALLY SENSITIVE AREAS

501. EROSION CONTROL. The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.

501.A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.

501.B. Except for agricultural activities, any earth disturbance over 5,000 square feet of land area shall require the submission of an adequate Erosion and Sedimentation Control Plan to the County Conservation District.

501.C. See State erosion control regulations (Note: as of 2007 in 25 PA. Code Chapter 102).

Note: Stormwater control is typically placed in a Subdivision and Land Development Ordinance or in a separate stormwater ordinance. The PA. Department of Environmental Protection has a model stormwater ordinance on their website.

502. NUISANCES AND HAZARDS TO PUBLIC SAFETY.

502.A. No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:

1. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
2. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
3. Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.
4. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
5. Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.

502.B. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

503. WETLANDS AND STEEP SLOPES. See Section 308.

504. FLOODPLAINS (Flood-prone areas).

See the separate Floodplain Ordinance and the Federal Floodplain Mapping.

Note: Municipalities have a choice of placing their regulations upon flood-prone areas in the Zoning Ordinance or in a separate ordinance. The PA. Department of Community and Economic Development has a model ordinance for regulating floodplains on their website.

505. NOISE.

505.A. No principal or accessory use, or operations or activities on its lot, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

LAND USE OR ZONING DISTRICT <u>RECEIVING THE NOISE</u>	HOURS/ DAYS	MAXIMUM SOUND LEVEL
1. At a Lot Line of a Residential Use in a Residential District	1) 6 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 9 p.m. to 7 a.m. plus all of the following days: Sundays, Christmas, Thanksgiving, New Years, Easter Sunday, Labor Day and Memorial Day	1) 62 dBA 2) 55 dBA
2. Lot Line of a Principal Residential Use that is not in a Residential District	1) Same as above 2) Same as above	1) 65 dBA 2) 62 dBA
3. Any Lot Line other than "1." or "2."	All times and days	70 dBA

Note- dBA means "A" weighted decibel.

505.B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency.
2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 6 a.m. and 9 p.m., except for clearly emergency repairs which are not restricted by time.
3. Lawnmowers, snowblowers, leaf blowers, and household power tools between the hours of 6 a.m. and 9 p.m.
4. Agricultural activities, livestock and other animals.
5. Public celebrations specifically authorized by the *Borough Council/Board of Supervisors* or a County, State or Federal Government agency or body.
6. Unamplified human voices.
7. Routine ringing of bells and chimes by a place of worship or municipal clock.
8. Vehicles lawfully operating on a public street, railroads and aircraft.

506. ODORS AND DUST. No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot. This provision shall not

apply to Normal Farming Activities that are exempted under the Pennsylvania Right to Farm Act.

507. CONTROL OF LIGHT AND GLARE. This section 507 shall only regulate exterior lighting that spills across lot lines or onto public streets.

507.A. Street Lighting Exempted. This Section 507 shall not apply to: a) street lighting that is owned, financed or maintained by the *Borough/Township* or the State, or b) an individual porch light of less than 6 feet total height in a front yard (not including a spot light).

507.B. Height of Lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities or a ski resort.

507.C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.

507.D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.

507.E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

507.F. Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 1.0 horizontal foot-candle at a distance 10 feet inside the residential lot line.

507.G. Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.

507.H. Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed downward and shall include full cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of subsection F. and to prevent glare onto streets. The municipality may require that light fixtures for non-residential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots.

507.I. Lighting of Non-Horizontal Surfaces. For lighting of predominantly non-horizontal surfaces such building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light towards neighboring residences or past the object

being illuminated or skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Lighting of a billboard should be attached to the top of the billboard and project downward. However, lighting shall be allowed of the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.

ARTICLE 6 OFF-STREET PARKING AND LOADING

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

601. REQUIRED NUMBER OF PARKING SPACES.

601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Parking Landscaping. See Sections 803 and 804 of this Ordinance.

TABLE 6.1 - OFF-STREET PARKING REQUIREMENTS

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

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
A. <u>RESIDENTIAL USES:</u> 1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit. As part of a new subdivision, if a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as an on-street space in front of the dwelling or an overflow parking lot.	
2. Single family detached dwelling with an accessory apartment within a Neighborhood Development	A combined total of 3 spaces for the 2 dwelling units. Each space shall be designed to allow each vehicle to be moved without first moving another vehicle.	
3. Home Occupation	See Section 403	

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
4. Housing Permanently Restricted to Persons 62 Years and Older and/or the Physically Handicapped	1 per dwelling/ rental unit, except 0.4 per dwelling/ rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old	Non-Resident Employee
5. Boarding House	1 per rental unit or bed for adult, whichever is greater	Non-Resident Employee
6. Group Home	1 per 2 residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee
<u>B. INSTITUTIONAL USES:</u>		
1. Place of Worship or Church	1 per 5 seats in room of largest capacity. For pews that are no individual seats, each 48 inches shall count as one seat.	Employee
2. Hospital	1 per 3 beds	1.1 Employees
3. Nursing Home	1 per 5 beds	1.1 Employees
4. Assisted Living Facility and/or Retirement Community	1 per 4 beds, plus 1.5 for each individual dwelling unit	1.1 Employees
5. Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.1 Employees
6. School, Primary or Secondary	1 per 4 students aged 16 or older	1.1 Employee
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. College or University	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	1.1 Employee
9. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	1.1 Employee
10. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
11. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	1.1 Employee

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

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
14. Personal Service Use, other than haircutting/hairstyling (min. of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.1 Employees
15. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 4 persons of maximum capacity of all facilities	1.1 Employees
16. Outdoor Recreation (other than uses specifically listed in this table)	1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.1 Employees
17. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats. This parking shall be calculated separately from a shopping center.	1.1 Employees
18. Retail Sales (other than types separately listed and other than a shopping center)	1 per 200 sq. ft. of floor area of rooms accessible to customers.	
19. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 800 sq.ft. of floor area of rooms accessible to customers	
20. Shopping Center involving 5 or more retail establishments on a lot.	1 per 200 square feet of leaseable floor area	
21. Tavern or Nightclub or After-hours Club	1 per 30 sq. ft. of total floor area	1.1 Employees
22. Theater or Auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.1 Employees
23. Trade/Hobby School	1 per 2 students on-site during peak use	1.1 Employee
24. Veterinarian Office	4 per veterinarian	1.1 Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
<u>E. INDUSTRIAL USES:</u> All industrial uses (including warehousing, distribution and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance 1 per 1.1 employee, based upon the maximum number of employees on-site at peak period of times	1 visitor space for every 10 managers on the site
Self-Storage Development	1 per 20 storage units	1.1 Employee

602. GENERAL REGULATIONS FOR OFF-STREET PARKING.

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

602.B. Existing Parking.

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

602.C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If an existing lawful use includes less parking than would be required if the use would be newly developed, then that deficit of parking shall be grandfathered for reuses of an

existing building. For example, an existing store might include 3 parking spaces and would have been required to provide 7 spaces if it was newly developed. Therefore, there is an existing nonconforming deficit of 4 spaces. Then, if that store is converted to an office that would need 10 spaces, the office would need to provide a total of 6 spaces (10 spaces minus the pre-existing deficit of 4 equals 6).

2. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) that relates to parking, beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.

602.D. Location of Parking.

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

602.E. Reduction of Parking Requirements as a Special Exception.

1. Purposes - To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.
2. As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.
 - a. The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.
 - b. Under this section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be

determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.

- (1) In addition, an applicant may prove that parking needs will be reduced or that off-site parking is feasible because the applicant agrees to make a long-term commitment to a shuttle service for residents or employees.
- c. Reserved Area for Additional Parking. Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.
- (1) Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the *Borough/Township* determines it is necessary. A deed restriction is recommended.
 - (2) If approved under this subsection "c.", the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet *Borough/Township* requirements.
 - (3) The additional parking that is "reserved" under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land's release from the restriction, or until the *Borough/Township* may require that the land be developed as parking.
 - (4) The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

603. DESIGN STANDARDS FOR OFF-STREET PARKING.

603.A. General Requirements.

1. Backing Onto a Street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family or two-family dwelling with its access onto a local street or parking court. Parking spaces may back onto an alley.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, unless specifically permitted otherwise.
3. Parking areas shall not be within a required buffer yard or street right-of-way.

4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

603.B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except the minimum sized rectangle shall be 8 feet by 22 feet for parallel parking and except where a larger space is required by Section 603.C.
2. For handicapped spaces, see Section 603.F. below.
3. All spaces shall be marked to indicate their location, except those of a one or two family dwelling.

603.C. Aisles. Parking spaces and aisles shall be designed and built in conformance with the following:

Angle of Parking	Parking Space Min. Width (feet)	Parking Space Min. Depth (feet)	Aisle Width - One Way Traffic (feet)	Aisle Width - Two Way Traffic (feet)
90 degrees	9	18	20	22
55 to 89 degrees	10	22	18	22
35 to 54 degrees	10	21	15	20
1 to 34 degrees	10	19	12	20
Parallel	8	22	12	20

Min. = Minimum

603.D. Accessways and Driveways.

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

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

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

603.E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the *Borough/Township*.
 - a. However, by special exception, the Zoning Hearing Board may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Board may allow parking spaces to be grass, while major aisles are covered by stone.
 - b. If the design and material are found acceptable by the *Borough/Township* Engineer, portions of parking areas may be covered with a low-dust porous parking surface that is designed to promote groundwater recharge. This might include porous asphalt or pervious concrete placed over open graded gravel and crushed stone. (Note – Standards are available in the Pennsylvania Best Management Practices Manual of the Department of Environmental Protection.) Porous parking surfaces shall not be allowed in areas routinely used by heavy trucks.

603.F. Lighting of Parking Areas. See "Light and Glare Control" in Article 5.

603.G. Parking for Persons With Disabilities/Handicapped Parking.

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

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

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size. Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.
4. Slope. Handicapped parking spaces shall be located in areas of less than 2 percent slope in any direction.
5. Marking. All required handicapped spaces shall be well-marked by clearly visible signs and by pavement markings. Such signs and markings shall be maintained over time. Blue paint is recommended. The amount of the fine for violations shall be noted on signs that are visible to persons parking in the space.
6. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

603.H. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Except within the _____ districts, any new or expanded paved area serving a principal non-residential use shall be separated from a public street by a planting

strip. The planting strip shall have a minimum width of *5 feet in a borough and 10 feet in a township* and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of a sidewalk. This *5 or 10 feet width shall be increased to 10 or 20 feet* for a lot including 100 or more parking spaces.

- a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that motorists can view under the leaf canopy.
 - b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the *Borough/Township* and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
 - c. *Borough/Township*-approved sidewalks, recreation paths and approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
 - d. The following shall be prohibited within the planting strip:
 1. paving, except as allowed by subsection "c." above, and except for street widenings that may occur after the development is completed,
 2. fences, and
 3. parking, storage or display of vehicles or items for sale or rent.
 - e. Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.
3. See landscaping requirements in Section 803 and 804.

604. **OFF-STREET LOADING.**

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

605. **FIRE LANES AND ACCESS.**

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

ARTICLE 7

SIGNS

(Note – The regulation of signs can be time-consuming. A municipality should decide how strict they wish to be regarding signs. For example, a rural municipality could decide to require that individual signs of a certain size (such as less than 10 square feet) do not require any permits or approvals.

701. PURPOSES AND APPLICABILITY.

- 701.A. Purposes. This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content (excepting obscenity that is prohibited by State law or language that incites violence); promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- 701.B. Permit Required. A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 703 and b) non-illuminated window signs constructed of paper, cardboard or similar materials and that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable District shall be allowed.
- 701.C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.

702. SIGN DEFINITIONS.

- 702.A. Sign Definitions. The following definitions shall also be used in determining whether signs meet the measurement and type requirements of this Article:
1. Abandoned Sign. A sign which identifies something that is no longer a bona fide business, lessor, service, owner or product, or advertises an event or activity that is not longer occurring, and/or for which no legal owner can be found. This term shall also include a structural support for a sign if the sign has been removed.
 2. Awning. A non-illuminated sign painted on or attached to a fabric or vinyl cover on a rigid frame. All or part of the allowed wall sign area may be placed on an awning.
 3. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
 4. Flag. Fabric, banner or bunting containing distinctive colors, patterns or symbols, including a flag that is a symbol of a nation or political subdivision or other entity.
 5. Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
 6. Height of Sign. The vertical distance measured from the average ground natural level surrounding a sign to the highest point of the sign and its supporting structure, Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article when attached to a tower or spire of a place of worship.

7. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
 8. Marquee Sign. A sign that is attached to a permanent overhang over a sidewalk that extends from the face of a building, and which meets the minimum clearance over a sidewalk established by the Construction Code. All or part of the allowed wall sign area may be placed on a marquee, provided any new marquee shall meet this Ordinance and the Construction Codes.
 9. Monument Sign. A type of freestanding sign which has a maximum total height of 8 feet and which has a solid bottom attached to the ground, as opposed to be supported by a pole.
 9. Non-conforming Sign. A sign which was lawful when it was installed, but which would not meet current sign regulations of this Ordinance.
 10. Off-Premise Sign. See Article 2.
 11. On-Premises Sign. A sign that is not an off-premises sign, such as a sign that advertises a business or service offered on the premises.
 12. Political Sign. A sign that advertises a candidate for election or an opinion on a current political issue.
 13. Portable Sign. A sign that is not permanently affixed to the ground or to a building, and which is not listed by this Article as an allowed temporary sign, and which is attached to a chassis, wheels or legs that allows it to be towed or carried from one location to another.
 14. Projecting Sign. A sign that is attached to a building and that extends perpendicular from the building and which meets requirements of the Construction Code for secure construction and minimum clearance over a sidewalk, and which does not extend over a street.
 15. Real Estate Sign. A temporary sign advertising the availability of land or building space for sale, lease or auction.
 16. Sign. See Article 2.
 17. Wall Sign. A sign primarily supported by or painted on a wall of a building. A Wall Sign may also be displayed upon an awning or canopy, provided other requirements of this Ordinance are met.
 18. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.
703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS. The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

Huntingdon County Model Zoning Ordinance

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDEN - TIAL LOTS **(sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESI- DENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees.	2	8	24	Shall only be posted during seasons when such products are actively offered for sale.
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a legitimate tax-exempt nonprofit organization or charity.	2	4	40	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business, or a bank or agency that is financing an on-site construction project.	1 per contractor	10	30 (Or one sign of 60 square feet maximum may be used if the sign is shared by multiple entities).	Shall only be permitted while such work is actively and clearly underway and a max. of 10 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be illuminated.
<u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3, in addition to signs painted on pavement	3, in addition to signs painted on pavement	Directional signs within a residential development shall not be illuminated.
<u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also "Special Sale Signs" below.	1	20	20	Flags of governments and flags that simply include colors or patterns are not regulated by this Ordinance, provided they do not exceed 10 in number.

Huntingdon County Model Zoning Ordinance

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDEN - TIAL LOTS **(sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESI- DENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction.	2 per event	2 per sign	2 per sign	Shall be placed a max. of 5 days. before an allowed garage sale or auction begins, and be removed max. of 24 hrs. after event ends.
<u>Home Occupation Sign</u> - advertises a permitted home occupation.	1	1	2	Shall not be illuminated, except a sign of a medical doctor may be externally lit. Shall be setback a minimum of 10 feet from the street right-of-way, unless printed on a mailbox. May be freestanding, attached flat on a building wall or within a window.
<u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1	1, except 2 for a principal non-residential use.	6	Maximum height of 8 feet.
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4	4	Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 5 consecutive days.

Huntingdon County Model Zoning Ordinance

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDEN - TIAL LOTS **(sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESI- DENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Political Sign</u> - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.	Maximum of 2 sign faces per issue or candidate per street	Maximum of 10 s.f. per issue or candidate per street frontage.	Maximum of 20 s.f. per issue or candidate per street frontage.	Shall be removed a max. of 5 days after an election, vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<u>Public Services Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience.	No max.	2	2	
<u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease.	1 per street the lot abuts	6	30	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 7 days after settlement or start of lease.
<u>Service Organization/ Place of Worship Sign</u> - an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.	2	2	2	Maximum of 2 such signs per such organization or place of worship.

Huntingdon County Model Zoning Ordinance

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDEN - TIAL LOTS **(sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESI- DENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Special Sale Signs</u> - temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. A Portable Sign may be used under this provision..	5 per lot	Not permitted	Total of 60 sq. ft. for all such banners, flags and other temporary signs. No one banner, flag or sign shall exceed 40 sq. ft.	Shall be displayed a maximum of 7 consecutive days per event, and a maximum of 5 events per year. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances.
<u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature and any non-profit public service messages.	1	Not permitted	30	
<u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	2	4	

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

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

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

- a. Historic Sign- memorializes an important historic place, event or person and that is specifically authorized by the *Borough/Township* or a County, State or Federal agency.
- b. Holiday Decorations- commemorates a holiday recognized by the *Borough/Township*, County, State or Federal Government and that does not include advertising.
- c. Not Readable Sign- not readable from any public street or any exterior lot line.
- d. Official Sign- erected by the State, County, *Borough/Township* or other legally constituted governmental body, or specifically authorized by *Borough/Township* ordinance or resolution, and which exists for public purposes.

- e. Required Sign- only includes information required to be posted outdoors by a government agency or the *Borough/Township*.
- f. Right-of-Way Sign- posted within the existing right-of-way of a public street and officially authorized by the *Borough/Township* or PennDOT, including but not limited to decorative banners hung from street lights that are authorized by the *Borough/Township*.

704. FREESTANDING, WALL AND WINDOW SIGNS (On-Premises Signs).

704.A. The following are the on-premises signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 711.

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREESTANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS
<p>Residential Districts, with signs in this table limited to allowed principal non-residential uses.</p> <p>For home occupation signs, see Section 703. No new signs in these districts shall be internally illuminated.</p>	8 feet	30 square feet on each side of a principal non-residential building or a nursing home or personal care center.	May be used in place of a wall sign with the same restrictions	<p>1 sign on each street the lot abuts, each with a maximum sign area of 20 sq. ft.</p> <p>See also entrance signs for major residential developments in Section 704.E.</p>

Huntingdon County Model Zoning Ordinance

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREESTANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS
<p>C-D District.</p> <p>No new freestanding sign in the C-D District shall be internally illuminated.</p> <p><i>The design of any new sign in the C-D District with a sign area of 10 or more square feet shall be provided to the Planning Commission for an opportunity for review and comment before a sign permit is issued.</i></p>	8 feet	1 square foot of sign area for each linear foot of building frontage to which the sign is attached, but in no case exceeding an absolute maximum of 200 square feet per establishment. There shall be a maximum of 3 wall signs per establishment.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 16 sq.ft. * Up to 9 square feet of this sign area may be used instead for a projecting sign, provided it is not internally illuminated, or a sandwich board sign that is placed on the sidewalk in a location that does not obstruct pedestrian traffic, and which is kept inside when the business is not open.
C-N, C-G, I-C and any other district not listed above	15 feet.	2 square feet of sign area for each linear foot of building frontage to which the sign is attached, but in no case exceeding an absolute maximum of 200 square feet per establishment. There shall be a maximum of 3 wall signs per establishment.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 40 sq.ft. *

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

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

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

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.
2. Portable signs are prohibited in all districts, except as a temporary Charitable Event sign permitted by Section 703.
3. Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.

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

704.E. Major Development Sign. One two-sided sign or two one-sided signs shall be allowed at up to 2 exterior street entrances to a subdivision or land development of 20 or more dwelling units or more than 5 principal business uses. Such sign area shall be 32 square feet and shall be attached to a wall that meets Section 704.D.

705. **PROHIBITED SIGNS.** The following prohibitions on signs shall apply in all zoning districts:

705.A. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 703.

705.B. Flashing, blinking, twinkling, animated scrolling or moving signs of any type are prohibited. Signs may change their message from time to time provided that each message is visible for at least one full minute, except time and temperature signs may change more frequently.

1. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.

705.C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.

705.D. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.

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

706. **OFF-PREMISE SIGNS (Including Billboards).**

- 706.A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the *Borough/Township* and protect property values, especially in consideration of the fact that most commercial areas of the *Borough/Township* are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the *Borough/Township*, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes listed in Section 701.
- 706.B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- 706.C. PennDOT Sign. Signs erected and maintained by PennDOT are permitted by right in all Districts.
- 706.D. Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Section to be off-premises, an off-premise sign is only permitted if it meet the following requirements:
 - 1. District. An off-premise sign is only permitted in the I-C District.
 - 2. Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
 - 3. Maximum Total Sign Area on Each of 2 Sides. 300 square feet.

4. Spacing. Any off-premise sign shall be separated by a minimum of 1,000 feet from any other off-premise sign with a sign area greater than 20 square feet, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than 1 off-premise sign, except as allowed in subsection 6 below.
5. Maximum Height. 35 feet above the elevation of the adjacent street, measured at the street centerline.
6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign of 300 square feet may have two sign faces of 200 square feet each provided the angle between the signs does not exceed 45 degrees.
7. Control of Lighting and Glare. See standards in Section 507. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Lighting shall be directed downwards towards the sign area and shall be turned off between the hours of midnight and 6 am.
8. Setbacks. No off-premise sign greater than 20 square feet in sign area shall be located within 250 feet from any of the following: a) an existing dwelling, b) a residential district, or c) the C-D district.
9. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a "for lease" sign.

707. GENERAL DESIGN, LOCATION AND CONSTRUCTION OF SIGNS.

707.A. Setbacks.

1. All freestanding signs shall be setback a minimum of 5 feet from the existing street right-of-way, except in the C-D district (*Note – if the municipality has a downtown, then this C-D district reference is advisable*). Signs shall not be located within the existing street right-of-way, except for allowed projecting signs and sandwich board signs.
2. A freestanding illuminated sign for a commercial or industrial business shall not be located within 5 feet from an abutting lot line of principal dwelling in a residential district.
3. These setbacks shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.

707.B. Sight Clearance. No sign shall be so located that it interferes with the sight clearance requirements of Section 803.

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

707.D. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.

707.E. Utility Poles. No sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.

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

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

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

709. **ABANDONED OR OUTDATED SIGNS.** Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

710. **MEASUREMENT OF SIGNS.**

710.A. Measurement of Sign area.

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.
2. The sign area shall not include any structural supports that do not include a message.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

711. **ILLUMINATION OF SIGNS.** See "Light and Glare Control" in Article 5.

712. **NONCONFORMING SIGNS.**

712.A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.

712.B. An existing lawful non-conforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A non-conforming sign shall not be expanded in a manner that does not conform to this Ordinance.

712.C. Unlawful Signs. If a sign was placed without a required permit by the *Borough/Township*, and does not comply with this Ordinance, it shall not be considered lawful, and shall be required to be removed. See the enforcement notice requirements in Article 1.

ARTICLE 8 GENERAL REGULATIONS

801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

801.A. Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Borough/Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the *Borough/Township* Subdivision and Land Development Ordinance. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting *Borough/Township* standards.

801.B. Number of Principal Uses and Principal Buildings Per Lot.

1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
 - a. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a two acre lot area, then the lot shall have a minimum lot area of two acres.
 - b. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.
 - c.. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the *Borough/Township* Solicitor, that there will be appropriate legal mechanisms in place, in compliance with State law.
2. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.
 - a . A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the *Borough/Township* Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

801.C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 600 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level.

801.D. Maximum Occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

802. HEIGHT EXCEPTIONS. The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Section 202 and provisions in Section 307.B. For communications antenna and tower, see the height requirements in Section 402.

803. SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.

803.A. In General.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property-owner association.

803.B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Corner Lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See definition of "Lot, Corner" in Section 202.
2. Projections Into Required Yards.
 - a. Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, "Bilco"-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.
 - b. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
 - c. For decks and porches, see Section 307.

3. Lot Widths Around Curves. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum building setback line may be reduced to 60 percent of the width that would otherwise be required.

803.C. Sight Clearance at Intersections. At the intersection of two streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of 3 feet and 10 feet above the ground level, except for utility posts, mailboxes, single sign posts and the trunks of canopy trees. The triangle shall be measured along the centerline of the right-of-way line of the streets. Each leg of the triangle shall be measured 75 feet from the intersection of the centerlines of the streets. A third longer leg shall connect the two legs along the centerlines, to form the triangle.

1. However, in place of the above sight triangle, where a local street intersects an arterial or collector street with a stop sign only at the local street, the leg of the triangle along the arterial or collector street shall be increased to 250 feet and the leg along the local street shall be decreased to 20 feet beyond the right-of-way of the arterial street.
2. The clear sight triangle shall be kept free of such obstructions in perpetuity.

Note - Sight clearance can be addressed in a zoning ordinance or a subdivision and land development ordinance.

803.D. Buffer Yards. Buffer yards and plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this Ordinance:

1. A minimum 8 feet wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for principal non-residential purposes that is contiguous to a lot line of a residentially zoned lot occupied by an existing principal dwelling.
 - a. If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by two or more tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to 40 feet, and the minimum initial height of plantings shall be increased to 6 feet.
 - b. If a dwelling will be on the same lot as a principal business use, then a buffer yard shall not be required by this Section.
 - c. A 10 feet minimum buffer yard with landscaped screening shall be required where a subdivision or land development of new dwellings will have rear yards abutting a public street.
 - d. A Buffer Yard is also required to be provided by the following if they are abutting and visible from a public street:
 - (1) Along lot lines and street rights-of-way of any newly developed or expanded outdoor industrial storage or loading area, or
 - (2) Along lot lines and street rights-of-way of any newly developed or expanded area routinely used for the overnight parking of 2 or more tractor-trailer trucks or trailers of tractor-trailers.
2. A required yard may overlap a required buffer yard, provided the requirement for

each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the *Borough/Township* may allow deciduous canopy trees.

3. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
4. Fence. The *Borough/Township* may require the installation of a mostly solid decorative fence in addition to the plantings. Any wall or fence in a buffer yard shall be placed on the inside (non-residential side) of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.
5. Each planting screen shall meet the following requirements:
 - a. Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet. In addition, an average of 1 deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the finished ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - b. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height.
 - c. The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
 - d. The plant visual screen shall extend the full length of the lot line, except for:
 - a) *Borough/Township*-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back, and c) locations needed to meet other specific State, *Borough/Township* and utility requirements, such as stormwater swales.
 - e. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form of planting is encouraged with a mix of species. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.
 - f. Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.
 - g. The plant screening shall primarily use evergreen trees.
 - h. The Zoning Officer may also modify the buffer yard requirements if necessary for fire safety reasons. The Zoning Hearing Board may by special exception reduce the width of the buffer yard if the required width is not feasible.

Note – Some municipalities place buffer provisions in a Subdivision Ordinance. However, they are better placed in a zoning ordinance so that they cover a wider variety of projects.

6. Buffer Yard Plans.
 - a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be

required, and on any required subdivision or land development plan, the applicant shall submit plans showing:

- (1) the location and arrangement of each buffer yard,
- (2) the placement, general selection of species and initial size of all plant materials, and
- (3) the placement, size, materials and type of all fences to be placed in such buffer yard.

804. LANDSCAPING.

804.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

804.B. See also the buffer yard provisions in Section 803.

804.C. Street Trees. As part of the creation of a new lot or the construction of a new principal non-residential building, or development of parking area for 6 or more parking spaces, deciduous shade street trees shall be planted between such lot lines, building and/or parking area and any adjacent public street(s). This requirement shall not apply along street segments where existing healthy trees will be preserved and protected during construction that will serve the same purpose.

1. Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way around the lot.
2. Location. Such trees may be placed immediately outside of the street right-of-way, or an alternative location acceptable to the *Borough Council/Township Board of Supervisors*.
3. Such street trees shall be planted in a manner approved by the Tree Commission to avoid conflicts with sidewalks and utilities.
4. Buffer. Where shade trees may be required under the buffer yard provisions, the same tree may be used to count towards both requirements.
5. The street trees shall meet the requirements of Section 804.D.
6. This requirement for street trees shall not apply for an agricultural or single family detached residential lot of more than 3 acres.

804.D. Parking Lot Landscaping.

1. A minimum of one deciduous tree shall be required for every 15 new off-street parking spaces.
2. If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within auto parking areas. Otherwise, the trees may be planted around the parking area.
3. Deciduous trees required by this section shall meet the following standards:

a. Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Zoning

Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS

Acer rubrum - Red Maple Acer saccharum - Sugar Maple Carpinus betulus - European Hornbeam Celtis occidentalis - Common Hackberry Fagus sylvatica - European Beech Fraxinus americana - White Ash Fraxinus pennsylvanica - Green Ash Ginkgo biloba fastigiata - Maiden Hair Tree (male only; female has noxious odor) Gleditsia triacanthos - Thornless Locust Liriodendron tulipifera - Tulip Poplar Ostrya virginiana - Hop Hornbeam	Quercus - All species of oaks Sophora japonica - Scholar Tree/Pagoda Tree Tilia americana - American Linden Tilia cordata - Little Leaf Linden Tilia euchlora - Crimean Linden Tilia petiolaris - Silver Linden Ulmus hybrids - Homestead or Sapporo Autumn Gold Ulmus parviflora - Chinese or Lacebark Elm, not including Siberian Elm Zelkova serrata - Zelkova
--	--

Note- This ordinance only regulates the species of trees that are used to meet requirements of the *Borough/Township*. The species of trees that are not required by *Borough/Township* ordinances are not regulated.

- b. Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
- c. Minimum Size. The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches or greater.
- d. Planting and Maintenance. Required trees shall be:
 - (i) planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and
 - (ii) properly protected by curbs, curbstops, distance or other devices from damage from vehicles.

804.D. Green Area Around Trees. A minimum vegetative area shall be provided that includes at least a 3 feet minimum radius around all sides of the trunk of each required deciduous tree that is within or adjacent to a parking lot. Where a tree is required to be planted abutting a street, a minimum vegetative area shall be provided that is not less than 3 feet wide and 3 feet long surrounding the tree. In each case, a minimum land area of 12 square feet of vegetative area shall be provided around each required tree.

804.E. Review and Approval. Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.

804.E. Landscape Maintenance. All shade tree, buffer yard and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.

804.F. Stormwater Basin Landscaping. The following requirements shall apply to landscaping within and around stormwater management basins covering more than 20,000 square feet in land area:

1. All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with suitable vegetation, such as meadow plantings or grasses specifically suited for stormwater basins.
2. Trees and shrubs shall be planted around stormwater basins that cover more than 5,000 square feet of land and that are not designed to resemble natural ponds. However, trees and shrubs shall not be planted in locations that would interfere with the function of the basin. A minimum average of 2 trees and 10 shrubs shall be required to be planted around the basin for every 100 linear feet of basin perimeter. Trees shall have an initial trunk diameter of 2 inches, measured 6 inches above the ground. Shrubs shall have an initial height of 4 feet.
3. Natural ground cover plant species shall be planted in the floors and slopes of the basin. These ground covers may include wildflowers, meadows or non-aggressive grasses. Species shall be chosen that are suitable for the expected wetness of various portions of the basin. The plantings shall provide a continuous cover over all earth areas of the basin. The plantings shall not interfere with the proper functioning of the basin, in the determination of the *Borough/Township* Engineer.
4. Landscaping provisions for detention basins may be modified by the Zoning Officer where necessary to comply with State or Conservation District safety standards.

805. NONCONFORMITIES.

805.A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

805.B. Continuation of Nonconformities.

1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
2. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.

805.C. Expansion of or Construction Upon Nonconformities. The following shall apply, unless the structure is approved under Section 805.D.

1. Nonconforming Structure.

- a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:

- (1) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, or
- (2) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance, except as may be allowed under subsection 1.c. below.

b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

c. As a special exception, the Zoning Hearing Board may approve a reduction of up to 50 percent in a side or rear setback for an existing dwelling if the applicant proves such setback is necessary to allow a customary addition of such dwelling or a replacement of an existing undersized dwelling with a new dwelling. This subsection shall not allow a reduction in setback to increase the number of dwelling units on the lot, except for a Unit for Care of Relative.

2. Nonconforming Lots.

a. Permitted Construction on a Nonconforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided all of the following additional requirements are met:

- (1) The lot must be a lawful nonconforming lot of record;
- (2) Minimum setback requirements shall be met;
- (3) State and Federal wetland regulations shall be met;
- (4) If a septic or well is used, the requirements for such shall be met.

(Note – A municipality may decide to require that two adjacent non-conforming lots in common ownership must be merged together to form a single lot.)

b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.

3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- a. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.
- b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
- c. The 1) total building floor area used by a nonconforming use or the 2) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond what existed in the nonconforming use at the time the use first became nonconforming.

- (1) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.

d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.

4. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe.
5. Nonconforming Sign. The provisions of this Ordinance shall not provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Ordinance.

805.D. Damaged or Destroyed Nonconformities. A nonconforming structure or nonconforming use that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterward the building permit is issued and continues, and c) no nonconformity may be newly created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.

805.E. Abandonment of a Nonconformity.

1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
 - a. as provided for in the "Damaged or Destroyed Nonconformities" provisions of this section in Section 805.D.
2. The applicant should provide evidence that the nonconformity was not abandoned.
3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.

805.F. Changes from One Nonconforming Use to Another.

1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any applicable Zoning Hearing Board conditions that applied to

any previous approval of the previous use and is not more objectionable in external effects than the previous use.

3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
 - a. Traffic safety and generation (especially truck traffic),
 - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
 - c. Amount and character of outdoor storage,
 - d. Hours of operation if the use would be close to dwellings and
 - e. Compatibility with the character of the surrounding area.
4. A nonconforming use shall not be changed to a nonconforming Adult Use.

805.G. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

806. **DUMPSTER SCREENING AND LOCATION.**

- 806.A. Site plans submitted to the *Borough/Township* shall show the proposed location of any garbage dumpsters. The *Borough/Township* may require that such proposed location be modified to provide compatibility with adjacent uses.
- 806.B. Garbage dumpsters shall be surrounded on at least 3 of 4 sides by a solid fencing, wall or landscaping if the dumpster would be visible from a street or a residential lot.

INDEX

This index is intended to assist applicants in locating appropriate sections. However, this index is not all-inclusive.

	<u>Section No.</u>
Accessory Residence for Relative	306.B., 403.D
Accessory setbacks	307.C., 403.B.
Accessory structures, residential	306, 307.C., 403.D
Additional Requirements for Specific Accessory Uses	403 - alphabetical
Additional Requirements for Specific Principal Uses	402 - alphabetical
Adult uses	306.B.2 and 402.A
Amendments to this ordinance	108
Antenna	403.D, 306.B., 402.A
Appeals	113
Bed and breakfast inns	306.B.1&2 and 402.A.
Buffer yards	803.D.
Buffer yards along municipal borders	305
Building height	307.B.
Buildings, number of principal buildings per lot	801
Clear Sight Triangle	803
Communications Towers	306.B.and 402.A.
Composting	306.B. and 403.D.2.
Conditional Uses	117
Creeks, Setbacks from	312
Curative amendments	109
Day Care as a principal use	306.B.1&2 and 402.A.
Day Care as an accessory use	306.B. and 403.D.
Deck setbacks	307.C.
Definitions	202
Density, Average, measurement of	307.A. footnotes
Dimensional Requirements by Zoning District	307
District boundaries	304
Districts, dimensional requirements within each	307
Districts, uses permitted in each	306
Disabilities, accommodations for	111.D.
Districts, purposes of each	301
Drive-through facilities	403.D.
Dumping	510
Dumpsters	806

	<u>Section No.</u>
Dust	506
Dwellings, minimum size of	801
Enforcement	103
Environmental protection	Article 5
Erosion Control	501
Fees	107
Fences and Walls	403.D.7., 306.C.
Fire Lanes	605
Floodplains/Flood-Prone Areas	504
Forestry	402.A.
Frontage for Lot	801
Garage Sale	403.D., 306.C.
Group homes	402.A., 202, 306, 111.D.
Hazards	502
Hearings by Zoning Hearing Board	112
Height requirements	307.B., 802
Height exemptions	802
Home Occupations	306.B.1&2, 403.D.
Interpretation	105
Lakes	308
Landscaping	804 and 803.D.
Light and glare	507
Loading spaces	604
Lot area requirements	307
Municipal boundaries, setbacks and buffers across	305
Noise	505
Nonconformities	805
Nonconforming Signs	702
Nuisances	502
Objectives of this Ordinance	102
Odors	506
Open Space Development	309

	<u>Section No.</u>
Parking, design standards	603
Parking, handicapped	603.G.
Parking lot landscaping	804.D.
Parking spaces	Article 6
Parking spaces, number of	601
Paved area setbacks	603.H.
Paving of parking	603.E.
Permits	103, 106 and 107
Permitted uses by district	306
Pets	403.D., 202, 306.C.
Plant screening	803
Principal Uses, Additional Requirements for Specific Uses	402
Public safety hazards	502
Public utility exemptions	114
Purposes of Ordinance	101
 Road improvements	 801
 Screening, landscape	 803.D.
Septic systems	309
Setback across municipal border	305
Setback exemptions	803
Setback requirements by zoning district	307
Setbacks from Streets	307
Shed setbacks	307.C.
Sight clearance	803
Signs	Article 7
Similar uses	105
Special exception use process	116
Steep Slopes	308
Storage, Outdoor	403.D.
Street frontage of lots	801
Street improvements	801
Street trees	804.C.
Swimming pools, household	403.D.

	<u>Section No.</u>
Temporary structure or use	103
Township exemption	115
Trees, Street	804.C.
Unit for Care of Relative	306.B., 403.D.
Uses Allowed in Each Zoning District	306
Uses, number per lot	801
Variances	111
Walls	403.D.
Waste containers, placement and screening	508
Water service	309
Waterways, setback from	312
Wetlands	308
Yards - See Setbacks in this Index	
Yard exceptions	803.B.
Zoning officer	110
Zoning map	Insert at end
Zoning hearing board	111, 112, 303