

# **SOUTH ABINGTON TOWNSHIP**

LACKAWANNA COUNTY, PENNSYLVANIA

## **ZONING ORDINANCE COMPILATION 2014**

This compilation has not been adopted as a whole by the Board of Supervisors, but simply includes all the provisions of the Zoning Ordinance of 1985 and subsequent amendments as cited below. The intent is to facilitate the public's use of the Zoning Ordinance and amendments. Nevertheless, the provisions of the underlying ordinances remain in full force and effect and shall apply to the extent that the provisions of same have not been changed by any subsequent amendment. This document is a compilation of the following:

1. Zoning Ordinance of September 30, 1985.
2. Ordinance No.103 of 1989.
3. Ordinance No. 136 of 1995.
4. Ordinance No. 141 of 1996.
5. Ordinance No. 145 of 1998.
6. Ordinance No. 150 of 1999.
7. Ordinance No. 152 of 1999.
8. Ordinance No. 153 of 1999.
9. Ordinance No. 162 of 2001.
10. Ordinance No. 163 of 2001.
11. Ordinance No. 165 of 2001.
12. Ordinance No. 168 of 2002.
13. Ordinance No. 173 of 2003.
14. Ordinance No. 174 of 2003.
15. Ordinance No. 175 of 2003.
16. Ordinance No. 176 of 2003.
17. Ordinance No. 177 of 2003.
18. Ordinance No. 194 of 2006.

**SOUTH ABINGTON TOWNSHIP  
ZONING ORDINANCE**

**TABLE OF CONTENTS**

**ARTICLE I - TITLE AND PURPOSE**

	<u>PAGE I -</u>
1.100 Application of Ordinance .....	1
1.200 Purpose of Ordinance and Statement of Community Development Objectives .....	1
1.300 Short Title .....	1

**ARTICLE II - DEFINITIONS AND INTERPRETATION OF LANGUAGE**

	<u>PAGE II -</u>
2.100 Interpretation of Language .....	1
2.200 Definitions .....	1

**ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS**

	<u>PAGE III -</u>
3.100 Names of Zoning Districts .....	1
3.200 Official Zoning Map .....	1
3.300 Interpretation of Boundaries .....	1
3.400 Classification of Annexed Lands .....	2

**ARTICLE IV - BASIC DISTRICT REGULATIONS**

	<u>PAGE IV -</u>
4.100 Basic Regulations .....	1
4.200 Uses in Zoning Districts .....	1
Table 1: Basic Regulations Governing the Use of Land .....	2
Table 2: Regulations Governing the Size of Lots, Yards and Buildings .....	3
Illustrations of Lot Size and Dimensions: Two-Family Dwellings–R-2 District .....	4
Table 2 continued: Regulations Governing the Size of Lots, Yards and Buildings .....	5
4.300 Use Classes .....	5
4.400 Limitations on Use Classes .....	10
4.500 Provision for Adding Uses to Use Classes .....	10

**ARTICLE V - NONCONFORMING USES AND BUILDINGS**

	<u>PAGE V -</u>
5.100 Statement of Intent .....	1
5.200 Continuation of Use .....	1
5.300 Registration of Nonconforming Uses .....	1
5.400 Regulation of Nonconforming Uses .....	2

**ARTICLE VI - SUPPLEMENTARY REGULATIONS**

	<u>PAGE VI -</u>
6.72(a) Wetlands .....	1
6.72(b) Buffer for Wetlands .....	1
6.72(c) Buffer for Water Bodies .....	1
6.100 Supplementary Regulations Governing the Size of Lots, Yards and Buildings .....	1
6.200 Public and Semi Public Uses .....	4
6.300 Recreation Uses .....	5
6.400 Conversions in R-Districts .....	5
6.500 Off-Street Loading and Parking .....	6
6.600 Signs .....	9

6.700 Regulations Applying to Other Uses . . . . . 12

6.701 Animal Hospital and Boarding Kennels . . . . . 12

6.702 Home Occupations . . . . . 12

6.703 Junk Yards and Similar Storage Areas, Including Automobile Wrecking . . . . . 13

6.704 Excavation of Topsoil, Gravel, Sand or Rock . . . . . 13

6.705 Automobile Service, Parking Garages and Parking Lots . . . . . 14

6.706 Trailer Court, Trailers and Mobile Homes . . . . . 14

6.707 Animals, Poultry and Gardening . . . . . 14

6.708 Yards, Buffers, Screens and Landscaping . . . . . 15

6.709 Courts . . . . . 16

6.710 Motels . . . . . 16

6.711 Private Swimming Pools . . . . . 16

6.712 Adult Businesses . . . . . 17

6.713 Reserved . . . . . 20

6.714 Motor Vehicle Access . . . . . 20

6.715 Migrant Worker Camp . . . . . 21

6.716 Cemeteries, Crematories, and Mausoleums . . . . . 21

6.717 Flood Plains . . . . . 21

6.718 Multi-Family Dwellings . . . . . 21

6.719 Performance Standards . . . . . 30

6.720 Group Home and Resident Facilities For Mentally Retarded . . . . . 31

6.721 Uses Fronting on Arterial Streets or Abutting Highway Interchanges . . . . . 32

6.722 Strip Mining and Excavation Operations . . . . . 32

6.723 Wind Energy Conversion Systems (WECS) Regulations . . . . . 34

6.724 Restrictions and Requirements for Amusement Games and Related Machines . . . . . 36

6.725 Satellite Earth Stations . . . . . 37

6.726 Day Care Centers, Private Nurseries and Kindergartens . . . . . 37

6.727 Family Day Care Homes . . . . . 38

6.728 Temporary Structure or Use . . . . . 39

6.729 Commercial Communication Devices . . . . . 40

6.730 Group Homes . . . . . 45

**ARTICLE VII -ADMINISTRATION AND ENFORCEMENT**

PAGE VII -

7.100 General Procedure . . . . . 1

7.200 Zoning Official . . . . . 2

7.300 Zoning Hearing Board . . . . . 3

7.400 Zoning and Occupancy Permits and Certificates . . . . . 4

7.500 Appeals . . . . . 5

7.600 Variances . . . . . 7

7.700 Public Hearings to be Held by Board . . . . . 7

7.800 Amendments . . . . . 9

7.900 Enforcement and Violations . . . . . 10

7.1000 Conditional Uses and Special Exceptions . . . . . 11

**ARTICLE VIII -INTERPRETATION AND VALIDITY**

PAGE VIII -

8.100 Interpretation . . . . . 1

8.200 Separability . . . . . 1

8.300 Repealer . . . . . 1

8.400 Effective Date . . . . . 1

ORDAINING CLAUSE

ZONING ORDINANCE

SOUTH ABINGTON TOWNSHIP, PENNSYLVANIA

AN ORDINANCE REGULATING AND RESTRICTING THE USES OF LAND, WATERCOURSES AND OTHER BODIES OF WATER, THE HEIGHT NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THEIR CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE, RAZING OR REMOVAL, AND ALL FACILITIES IN OR ABOUT SUCH BUILDINGS AND STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE, DEPTH AND WIDTH OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND INTENSITY OF USE AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, MANUFACTURING, RESIDENCE AND OTHER PURPOSES: ESTABLISHING REGULATIONS FOR CONTROL OF EXISTING JUNK YARDS: ESTABLISHING DISTRICTS AND THE BOUNDARIES THEREOF FOR SAID PURPOSES AND PROVIDING FOR THE APPOINTMENT OF A ZONING HEARING BOARD AND SETTING FORTH THE DUTIES AND FUNCTIONS OF SAID BOARD PROVIDING FOR SPECIAL EXCEPTIONS AND VARIANCES ADMINISTERED BY SAID BOARD: PROVIDING FOR CONDITIONAL USES TO BE ALLOWED OR DENIED BY THE GOVERNING BODY: AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE AND PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED BY SOUTH ABINGTON TOWNSHIP, PENNSYLVANIA, AS FOLLOWS:

ARTICLE 1

TITLE AND PURPOSE

1.100 APPLICATION OF ORDINANCE

No building, structure, or land shall be used or occupied, nor shall any building or structure of part thereof be constructed, erected, moved, enlarged or structurally altered unless in conformity with the regulations of this ordinance. The standards in this Ordinance shall not apply to any such activity under the jurisdiction of South Abington Township; however, this shall not exempt the Township from compliance with all applicable state and federal regulations.

The interpretation of the regulations of this ordinance is intended to be such that, whenever its requirements are at variance with any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants which refer particularly the area and bulk regulations, and which impose higher standards, the most restrictive requirements shall govern.

In no case shall any land use be permitted unless it provides for the protection of the health, general welfare and property of any person and the protection of the environment in which it is located by the control, abatement, reduction and prevention of excessive noises and/or vibrations, the pollution of the air by smokes, dusts, fumes, gases, odors, mists, vapors, pollens and similar matter, or any combination thereof, as finally determined by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

1.200 PURPOSE OF ORDINANCE AND STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

This ordinance is designed to accomplish the following objectives:

- 1.201 To promote, protect and facilitate the public health, safety and general welfare and to make provisions for adequate community facilities and utilities.
- 1.202 To prevent loss of life, health or property from fire, panic, floods and other dangers;
- 1.203 To provide adequate light and air;
- 1.204 To prevent the overcrowding of land;
- 1.205 To avoid undue concentration of population;
- 1.206 To lessen congestion in the streets and to determine the proper location and function of streets.
- 1.207 To facilitate the adequate provision of vehicle parking and loading, transportation, water, sewerage, schools, parks, and other public requirements.
- 1.208 To attain the community developments objectives as outlined by the municipality's comprehensive plan.
- 1.209 To encourage the development of land in an energy efficient manner including particularly the use of solar energy;
- 1.210 To encourage the conservation of our natural resources including particularly our overall water supply through minimal disturbance of our aquifers.

1.300 SHORT TITLE

This ordinance shall be known and cited as the South Abington Township Zoning Ordinance.

ARTICLE 2  
DEFINITIONS AND INTERPRETATION OF LANGUAGE

2.100 INTERPRETATION OF LANGUAGE

For the purpose of this ordinance, the following words and phrases shall have the meaning assigned to them:

- 2.101 Words used in the present tense include the future. The singular number includes the plural and the plural the singular.
- 2.102 The word "shall" is always mandatory.
- 2.103 The word "building" shall include the word "structure" and any portion of the building or structure.
- 2.104 The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
- 2.105 The word "Person" includes an individual partnership, corporation, incorporated association or any other similar entity.
- 2.106 The word "includes" or "including" shall not limit the term of the specified examples but is intended to extend its meaning to other instances of like, kind and character.

2.200 DEFINITIONS

The following words and phrases shall have the meanings assigned to them in this section as follows:

**ACCESS DRIVE:** A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

**ACCESSORY BUILDING:** A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

**ACCESSORY USE OR ACCESSORY:**

- (a) A use conducted on the same lot as a principal use to which it is related, and located either within the same structure or in an accessory structure or as an accessory use of land; except that off-street parking need not be located on the same lot.
- (b) Clearly incidental to, and customarily found in connection with a particular principal use, and
- (c) Either in the same ownership as such principal use or operated and maintained on one lot with such principal use for the express benefit of its owner, employees, customers or visitors.

An accessory use includes:

- (a) Residential accommodations for caretakers of institutions and large commercial or industrial uses.
- (b) Keeping of domestic animals, but not for sale or hire.
- (c) Swimming pools whose use is restricted to the occupants of the principal use and guests for whom no admission or membership fee is charged.

- (d) Domestic or agricultural storage customarily found in barn, shed, tool room or similar structure.
- (e) Incinerators.
- (f) In connection with permitted commercial or manufacturing uses, the storage of goods normally carried in stock, used in, or produced by such uses, unless the storage is expressly prohibited under the applicable district regulations. The floor area used for such accessory storage shall be included in the maximum floor area permitted for the specified use.
- (g) The removal for sale or otherwise of loam, clay, sand, gravel, or stone in connection with the construction of a building or other structure on the same lot, or in connection with grading said lot, but in no case to a point below the legal street grade.
- (h) Accessory off-street parking spaces, open or enclosed.
- (i) Accessory off-street loading berths.
- (j) Accessory signs.
- (k) Accessory radio or television antennas.
- (l) Home occupation.

**ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas". An "Adult Arcade" shall be considered an "Adult Business" for the purpose of this Ordinance.

**ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE:** A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any one or more of the following:

- (a) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations or sound recordings which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (b) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an "Adult Bookstore," "Adult Novelty Store" or "Adult Video Store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "Adult Bookstore," "Adult Novelty Store" or "Adult Video Store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas". The term Adult Bookstore shall include but not be limited to an "Adult Novelty Store" and an "Adult Video Store", and all such uses shall be considered an "Adult Business" for the purpose of this Ordinance.

**ADULT BUSINESS:** Any of the following:

- (a) A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.
- (b) A use of a building or land for a business which involves the sale, lease, trade, gift or display of drug paraphernalia as a substantial or significant portion of its stock-in-trade.
- (c) Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as part of its business that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas", or where any "specified sexual activities" are conducted for economic gain or any other form of consideration.
- (d) Any of the following as defined in this Article III:
  - (1) adult arcade
  - (2) adult bookstore, adult novelty store or adult video store
  - (3) adult live entertainment use or facility
  - (4) adult motel
  - (5) adult motion picture theater
  - (6) adult theater
  - (7) escort agency
  - (8) massage parlor
  - (9) nude model studio
  - (10) sexual encounter center

**ADULT LIVE ENTERTAINMENT USE OR FACILITY:** A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving:

- (a) Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity; or
- (b) Live performances which are characterized by the exposure of "specified anatomical areas" or simulated or actual "specified sexual activities"; or,
- (c) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

An "Adult Live Entertainment Use or Facility" shall be considered an "Adult Business" for the purpose of this Ordinance.

**ADULT MOTEL:** A hotel, motel or similar commercial establishment which:

- (a) Offers accommodations to the public for any form of consideration and as part of the consideration provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or,
- (b) Offers rooms for rent three (3) or more times in one calendar day.

An "Adult Motel" shall be considered an "Adult Business" for the purpose of this Ordinance.



**ADULT MOTION PICTURE THEATER:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". An "Adult Motion Picture Theater" shall be considered an "Adult Business" for the purpose of this Ordinance.

**ADULT THEATER:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities". An "Adult Theater" shall be considered an "Adult Business" for the purpose of this Ordinance.

**AGRICULTURE:** The use of land for agricultural purposes including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal, and poultry husbandry, and the necessary accessory uses for farm homes, and packing, treating or storing the produce provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture activities, and provided further that the above uses shall include commercial hog farms or fur farms, and excluding fertilizer plants or sale of fertilizer, feed stores, tanneries,, and similar objectionable uses.

**AIR POLLUTION:** The presence in the outdoor atmosphere of any form of contaminant in such place, manner, or concentration inimical or which may be inimical to the public health, safety, or welfare or which is, or may be injurious to human, plant or animal life, or to property, or which unreasonably interferes with the comfortable enjoyment of life or property.

**ALLEY:** A minor way, which may not be legally dedicated, used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

**ALLUVIAL SOILS:** Areas subject to periodic flooding.

**ALTERATIONS:**

- (a) All -incidental changes or replacements in the nonstructural parts of a building or other structures.
- (b) Minor changes or replacements in the structural parts of a building or other structure, limited to the following examples and other of similar character or extent:
  - (1) Alteration of interior partitions to improve livability in non-conforming residential buildings provided no additional dwelling units are created thereby.
  - (2) Alteration of interior partitions in all other types of buildings or other structures.
  - (3) Making windows or doors in exterior walls.
  - (4) Strengthening the load bearing capacity of a floor to permit accommodation of a specialized unit of machinery or equipment, but not over an area which exceeds ten percent of total floor area.

**AMENDMENT:** A change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the municipality.

**AMUSEMENT GAME MACHINES:** A coin-operated machine or device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin, and may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score, which by comparison to the score of other players whether playing concurrently or not, demonstrated relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. It shall

include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

**AMUSEMENT MACHINES, OTHER:** A coin-operated machine or device, not including amusement games, which provide a ride, sensation, electronic reading or weight, photograph, lamination, or item of merchandise provided at random among other items of merchandise, for use by and to the amusement of the public.

**AMUSEMENT MACHINE COMPLEX:** A group of more than two amusement games or other amusement machines, in the same place, location or premises.

**ANIMAL HOSPITAL:** A building used for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

**APARTMENT BUILDING:** See *dwelling, multi-family*.

**APARTMENT CONVERSION:** A multi-family dwelling constructed by converting an existing dwelling into apartments for more than two families.

**AUTOMOBILE:** A self-propelled, free-moving vehicle, primarily for conveyance on a street or roadway.

**AUTOMOBILE BODY SHOP:** A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles and other vehicles or conveyance.

**AUTOMOBILE GARAGE, MINOR:** An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein nor space therein for more than one automobile is leased to a non-occupant of the premises.

**AUTOMOBILE GARAGE, MAJOR:** A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, trucks, or similar motor vehicles.

**AUTOMOBILE OR GASOLINE SERVICE STATION:** A building on a lot or part thereof, that is used primarily for the retail sale of gasoline, oil, other fuel, and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing automobiles and other vehicles.

**AUTOMOBILE AND/OR MOBILE HOME SALES LOT:** An open lot, used for the outdoor display or sales of new or used automobiles, recreation vehicles, or mobile homes, and where minor and incidental repair work (other than body and fender) may be done.

**AUTOMOBILE WASHING (CAR WASH):** A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services as set forth herein for Automobile Service Stations.

**AUTOMOBILE WRECKING:** The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**BASEMENT:** A story whose floor is more than 12 inches, but not more than half of its story height, below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half below such level). Any portion of a basement, when used as a dwelling, shall be counted as a story for purposes of height measurement.

**BILLBOARD:** A type of off-premises advertising sign and which conveys a commercial or noncommercial message

unrelated to the activity conducted on the lot where the sign is located, or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered a billboard.

**BLOCK:** A tract of land bounded by any combination of the following:

- (a) Streets
- (b) Public park
- (c) Railroad right-of-way, excluding siding and spurs
- (d) Corporate boundary lines of the municipality

**BOARD:** The Zoning Hearing Board of the municipality.

**BOARDING HOUSE:** A building, where for compensation, provisions are made for lodging and meals for at least three (3) but not more than fifteen (15) persons. Shall also include dormitories whether or not such include cooking facilities.

**BUFFER:** A strip of land that separates one use from another use or feature, and is not occupied by any building, parking, outdoor storage or any use other than open space, landscaping or approved access drives. It is used to provide separation between incompatible uses to effect a visual barrier, reduce noise, block physical passage between uses, and reduce dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof; and, in general, widths of buffers are increased as the density or opaqueness of the barrier decreases. A buffer yard may be a part of the minimum setback distance but land within an existing street right-of-way shall not be used to meet a buffer yard requirement.

**BUILDING:** Any structure permanently affixed to the land having a roof supported by columns or walls used for shelter or enclosures. When divided into separate parts by one or more un-pierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements.

**BUILDING, LINE:** A line parallel to the front, side, or rear lot line set so as to provide the required yard.

**BUILDING, PRINCIPAL:** A building which contains the principal use of the building site on which it is situated. In a residential district a dwelling is a principal building on the zone lot.

**CAMP:** Any one or more of the following, other than a hospital, place of detention, school offering general instructions, or a mobile home park.

- (a) Any area of land or water of a design or character used for seasonal, recreational or similar temporary living purposes which may include any building or group of buildings of a movable, temporary or seasonal nature, such as cabins, tents, or shelters.
- (b) Any land and buildings thereon, used for any assembly of persons for what is commonly known as "day camp" purposes, whether or not conducted for profit and whether occupied by adults or children, either as individuals, families, or groups.

**CAMPING GROUND:** A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings, of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters. but not including a mobile home camp, court, or park.

**CARPOR:** An accessory building open on three (3) sides which is attached to the main building and primarily designed or used for parking automobiles.

**CELLAR:** A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

**COMMERCIAL COMMUNICATION DEVICE:** Any device which is intended for transmitting or receiving commercial television, radio or telephone communications, excluding the following which are not appropriate subject of the zoning ordinance:

- (a) Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
- (b) Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.
- (c) Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers as regulated by 47 CFR 97 and 47 CFR 95, respectively, and which are less than one hundred (100) feet in height.
- (d) Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or watercraft.
- (e) A radio frequency machine which is designated and marketed as a consumer product, such as microwave ovens and radio control toys.

**COMMERCIAL COMMUNICATION DEVICE SUPPORT STRUCTURE:** Any pole, telescoping mast, tower, tripod, or any other structure which supports a commercial communication device.

**COMMERCIAL COMMUNICATION DEVICE SUPPORT STRUCTURE HEIGHT:** The vertical distance measured from the base of the support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

**COMMISSION OR PLANNING COMMISSION:** The Planning Commission of South Abington Township.

**COMMON AREA:** All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common facilities, and recreation area.

**COMMON FACILITIES:** Improvements in a development that are not required by the Township but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

**CONDITIONAL USE:** A use which is permitted in a district only when specific conditions and factors prescribed for such cases within this Ordinance and other reasonable conditions established by the Board of Supervisors are satisfied. Conditional uses are allowed or denied by the Board of Supervisors after recommendations by the Planning Commission.

**CONDOMINIUM:** A condominium is an ownership arrangement,, not a land use; therefore, it is allowed in any district and under the same restrictions as the residential land uses that it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air, and privacy.

A condominium is a dwelling unit which has all of the following characteristics:

- (a) The unit (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.
- (b) The unit may be any permitted dwelling type.
- (c) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Pennsylvania Unit Property Act of July 3, 1963, P. L. 196 and in accordance with the provisions for open space, roads, or other development features as specified in this ordinance and the subdivision and land development regulations.

**CONSERVATION AREA, PRIMARY:** Those areas of a development tract which are comprised of environmentally sensitive lands on which development is not permitted.

**CONSERVATION AREA, SECONDARY:** Those areas of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the character of the community.

**CONSTRUCTION:** Any site preparation, assembly, erection, substantial repair, alteration, or similar action,, but excluding demolition, for or of public or private rights-of-way,, structures, utilities or similar property.

**COURT:** Any unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

**COURT, INNER:** A court which does not-extend to a street, alley, yard, or outer court.

**COURT, OUTER:** A court which extends to a street, alley, yard, or other outer court.

**CURB LEVEL:** The officially established grade of the curb in front of the mid-point of the lot.

**DAIRY:** A commercial establishment for the manufacture or processing of dairy products.

**DEMOLITION:** Any dismantling, intentional destruction or removal of structures, utilities public or private right-of-way surfaces or similar property.

**DENSITY:** A measure of the number of dwelling units per acre of land. It shall be expressed in dwelling units per acre.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

**DEVELOPMENT IMPROVEMENTS:** All the physical additions and changes to a tract and the constructed facilities necessary and/or required by the Township to produce a usable and functional development; including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

**DEVELOPMENT PLAN:** A proposed development, prepared in accordance with this Ordinance and the Township Subdivision Ordinance, including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces and public facilities.

**DISTRICT:** A portion of the territory of the municipality within which certain uniform regulations and requirements

apply under the provisions of this ordinance.

**DISTURBANCE:** Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.

**DOG KENNEL:** A structure for keeping three (3) or more dogs that are more than six (6) months old.

**DRIVE-IN COMMERCIAL USES:** Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in-restaurants, drive-in-theaters and similar uses.

**DRUG PARAPHERNALIA:** Any objects, devices, instruments, apparatus or contrivances, whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under Pennsylvania Law.

**DUMP:** A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means and for whatever purposes of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind but not including approved sanitary land fill disposal.

**DUPLEX HOME:** See *dwelling, two-family*.

**DWELLING:** A structure or portion thereof which is used exclusively for human habitation.

**DWELLING, MULTI-FAMILY:** A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term "multi-family dwelling" shall include condominium as well as non-condominium housing units including the following construction types:

- (a) **Conversion Apartments:** A new dwelling unit created within an existing building.
- (b) **Garden Apartment:** A multi-family dwelling not exceeding two and one-half (2 ½) stories in height and containing three (3) or more dwelling units which are located one over the other and which, when more than three (3) units are utilized, are attached side-by-side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Each dwelling unit is accessible by a common stairwell.
- (c) **Townhouse:** A multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls without openings.
- (d) **Apartment Building:** A multi-family dwelling containing dwelling units having only one (1) floor and typically with an entrance door to a common hallway shared by other dwelling units.

**DWELLING, SINGLE-FAMILY:** A dwelling unit detached from any other dwelling unit accommodating a single family and having a front, rear and two (2) side yards.

**DWELLING, TWO-FAMILY:** A dwelling accommodating two (2) families either with units which are attached side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit; or upstairs/downstairs units.

**DWELLING UNIT:** One or more rooms for living purposes, together with separate cooking and sanitary facilities used or intended to be used by one or more persons living together and maintaining a common household, and accessible from the outdoors either directly or through an entrance hall shared with other dwelling units.

**ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES:** Electric public utilities transmission distribution facilities including substations.

**EMERGENCY:** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

**ENLARGEMENT:** An addition to the floor area of an existing building or an increase of a tract of land into a contiguous tract of land.

**ENTERTAINMENT FACILITIES:** Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, bowling alleys, roller skating rinks, miniature golf, golf driving ranges, commercial swimming pools, carnivals, and related uses.

**ESCORT:** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**ESCORT AGENCY:** A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An "Escort Agency" shall be considered an "Adult Business" for the purpose of this Ordinance.

**ESSENTIAL SERVICES:** Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment which conform to the height regulations of the district. Buildings, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, electric substations, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the PA Public Utility Commission shall not be considered essential services. (For essential services requiring enclosure in a building see "semi-public building or use.")

**FAMILY:**

- (a) A single competent and responsible person occupying a dwelling unit and maintaining a household, or
- (b) A household head and one or more other persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a common household, or
- (c) Two or more but not in excess of five unrelated competent responsible persons, at least one of whom shall be an adult occupying a dwelling unit, living together and maintaining a common household.

**FARM:** Any parcel of land which is-used for gain in the raising of agricultural products, livestock, poultry, or dairy products, including necessary farm structures within the prescribed limits and the storage of equipment customarily incidental to the primary use. For the purpose of this Ordinance, a farm shall not include the raising of fur bearing animals, riding academy, livery or boarding stables or dog kennels.

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOOD FRINGE:** That portion of the flood plain outside the floodway.

**FLOOD PLAIN:** (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation: (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOODWAY:** The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this ordinance the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

**FLOOR AREA:** The sum of the gross area of the several floors of a building or buildings measured from the face of exterior walls or from center lines of walls separating two buildings. In particular, floor area includes:

- (a) Basement space, except such enclosure as does not have any windows on exterior walls.
- (b) Elevator shafts, stairwells and attic space (whether or not a floor has been laid) providing structural headroom of eight feet or more.
- (c) Roofed terraces, exterior balconies, breeze ways or porches, -provided that over 50 percent of the perimeter of these is enclosed.
- (d) Any other floor space used for dwelling purposes, no matter where located within a building.
- (e) Accessory buildings, excluding space used for off-street parking or for loading berths.
- (f) Any other floor space not specifically excluded, except space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

**FLOOR AREA, HABITABLE:** The sum of the horizontal areas of all rooms used for habitation, such as living room, kitchen, or bedroom, but not including hallways, stairways, cellars, attics, service rooms, or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court.

**FLOOR AREA RATIO:** The total floor area allowable on a given lot, divided by the area of that lot. (For example, a building containing 15,000 sq. ft. of floor area on a given lot of 10,000 sq. ft. of lot area has floor area ratio of 1-5).

**FOREST:** Areas, groves, or stands of mature or largely mature trees (i.e., greater than 6 inches caliper) covering an area greater than one-quarter acre; or groves of mature trees (greater than 12 inches caliper) consisting of more than 10 individuals.

**GARAGE, PRIVATE:**

- (a) Accessory to a principal building, either attached to it or separate, and
- (b) Used for storage purposes, and other personal uses of an owner, or tenant.

**GARAGE PUBLIC:** Any enclosed or covered space other than a private garage, which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

**GARDEN APARTMENT:** See *dwelling, multi-family*.

**GARDENING:** The cultivation of herbs, fruits, flowers, or vegetables, excluding the keeping of livestock.

**GENERAL NUISANCE:** Any use considered to be inconsistent with the public comfort, convenience, health, safety, and general welfare. The following factors are included:

- (a) Fire and explosion hazards.
- (b) Electrical and radioactive disturbances.



- (c) Noise and vibration.
- (d) Dust, dirt, fly ash.
- (e) Glare.
- (f) Smoke, odors.
- (g) Other forms of air pollution not listed above.

**GRADE, FINISHED:** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**GROUP HOME:** The use of any lawful dwelling unit which meets all of the following criteria:

- (a) Involves the care of the maximum number of persons permitted by the group home standards of Section 6.730, and meets all other standards of such section.
- (b) Involves persons functioning as a common household.
- (c) Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other handicap\* as defined by applicable Federal law.
- (d) Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

(NOTE: As of 1992, the Federal Fair Housing Act 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 §802 of Title 21.

**HEIGHT OF BUILDING:** The vertical distance measured from the average level of finished grade along all the exterior walls of a building to:

- (a) The highest point of the roof, in the case of a flat roof;
- (b) The highest point of the roof, in the case of a pitched roof.
- (c) The highest point on any structure which rises wholly or partly above the roof line, and whose area equals or exceeds 20 percent of the ground floor area of the building which supports it.

**HEIGHT OF SIGN:** The vertical distance measured:

- (a) From ground level to the highest point on the sign itself and/or its supporting structure.
- (b) Along the face of the sign or its supporting frame from lowest point to highest.

**HOME OCCUPATION:** See Section 6.702. An accessory use which:

- (a) Is clearly incidental or secondary to the residential use of the dwelling unit, or
- (b) Is customarily carried on within a dwelling unit or accessory building by one or more occupants of such dwelling unit, except that, in connection with the practice of the medical profession or with other offices whose operations require supplementary secretarial, clerical, accounting or drafting skills, one person not residing in such dwelling may be employed.

- (c) Does not include the housing, care or education etc., of persons who normally would be subject to institutionalization for mental, physical, criminal or like reasons.

In connection with the operation of a home occupation it shall not be permitted:

- (a) To sell articles produced elsewhere than on the premises.
- (b) To have exterior displays of goods visible from the outside.
- (c) To store materials or products outside a principal or accessory building or other structure.
- (d) To make external alterations which are not customary in residential buildings.
- (e) To produce offensive and disturbing noise, smoke, odor or other objectionable affects.

**HOSPITAL:** A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as a sanatorium, sanatarium, and preventorium.

**HOTEL:** A building designed for occupancy as the temporary residence of individuals who are lodged with or without meals. No cooking is provided in any individual room or suites but restaurants, cocktail lounges, banquet halls, ballrooms and meeting rooms are permitted as accessory uses.

**IMPERVIOUS SURFACE:** Any area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is "impervious." Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purposes of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking).

**JUNK:** Junk includes scrap metals and their alloys, bones, used materials and products (such as rags and cloth, rubber, rope, tinfoil, bottles, old tools, and machinery, fixtures and appliances, lumber, boxes or crates,, pipe and pipe fittings), and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition,, but are not subject to being dismantled.

**JUNK YARD:** Junk yards consist of buildings or premises where junk, waste, discarded or salvage materials are bought, sold, stored, packed, or handled. Junk yards include automobile wrecking yards, house wrecking, and structural steel materials and equipment. The purchase or storage of used furniture, household equipment, and used cars in operable condition, are not included but the keeping or storage of two (2) or more automobiles not under registration or not operable will constitute a junk yard in the sense of this Ordinance.

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

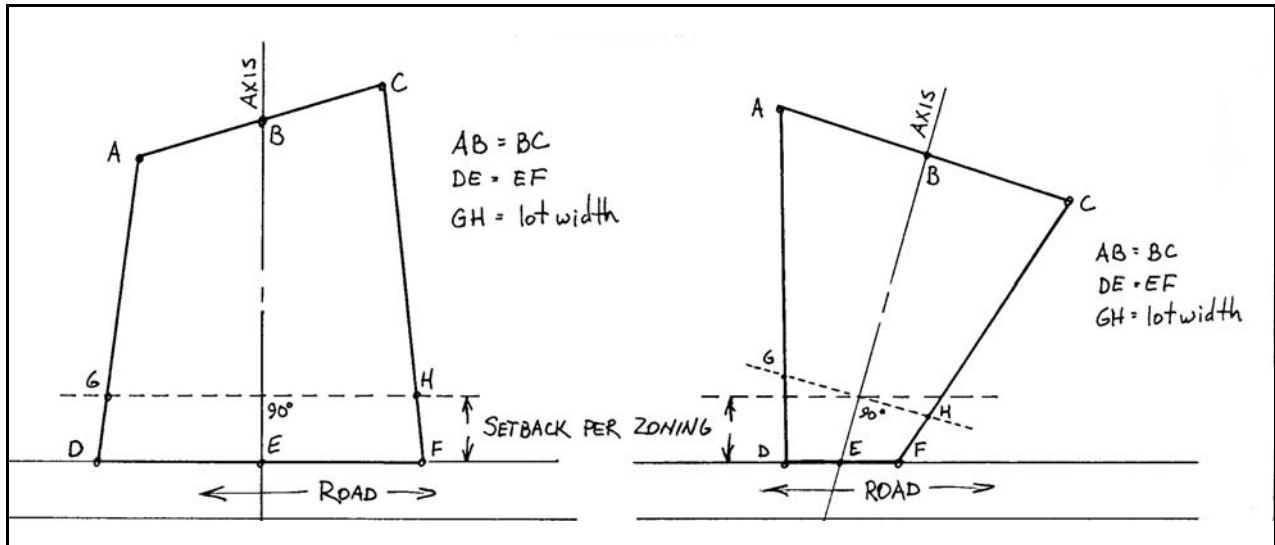
**LANDOWNER:** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such operation or contract is subject to any condition), a lessee having a remaining term of not less than forty (40) years, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this act.

**LAUNDERETTE:** A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an

apartment hotel.

**LOT OR ZONE LOT:** A piece or parcel of land occupied by a principal building or a group of such buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof. It includes open spaces as required by this ordinance, and has frontage on a public street. The lot lines are the property lines bounding the lot.

- (a) **Lot, Corner.** A lot abutting upon the intersection of two or more streets which form an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner". A lot other than a corner lot is known as an "interior" lot.
- (b) **Lot Depth,** The mean horizontal distance between the front and the rear lot lines.
- (c) **Lot Lines.**
  - (1) **Lot Line, Front:** The line separating the lot from a street.
  - (2) **Lot Line, Rear:** The lot line opposite and most distant from the front lot line.
  - (3) **Lot Line, Side:** Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.
  - (4) **Lot Line, Street or Alley:** A lot separating the lot from a street or alley.
- (d) **Lot Width:** If the side property lines are parallel, lot width shall be the distance between the side lines. If the side property lines are not parallel, lot width shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines. For the purpose of identifying the axis in the case of irregularly shaped lots, the midpoint of the front lot line shall be joined to the most distant midpoint of the lot lines at the rear of the lot. However, in no case shall the street frontage of the lot be less than fifty (50) percent of the lot width as required by this Ordinance (see definition of *street frontage*). In the case of a flag lot, the lot line where the narrow access widens shall be considered the front lot line. (See diagram.)



- (e) **Lot Area:** The area contained within the lot lines excluding any area within a street right-of-way, but

including the area of any easement. (See Section 6.201 of the Township Subdivision and Land Development Ordinance which requires additional size for lots containing slopes over ten percent).

- (f) Lot Coverage: That portion or percentage of the lot area which is covered by buildings, roads, driveways, walkways, parking areas, or other impervious surfaces. Wetlands, lakes, ponds, streams measured from bank to bank, and floodplain shall be deducted from the gross lot area prior to calculating lot coverage.

**MAJOR THOROUGHFARE:** A street or highway designated as an existing or planned major thoroughfare.

**MAJOR THOROUGHFARE, RESTRICTED ACCESS:** A major thoroughfare or part thereof, which when open to public use, access is limited from abutting property and other streets to locations and in the manner approved by the municipality and/or the Pennsylvania Department of Transportation.

**MASSAGE:** The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person(s)'s skin other than the face or neck by another person(s) that is related to certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship.

**MASSAGE PARLOR:** A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish as one of its primary business purposes for a fee, tip, or other consideration a massage which involves the exposure of any "specified anatomical areas" or the conduct of any "specified sexual activities". This definition shall not preclude therapeutic body massages provided by individuals certified for the same by the Commonwealth of Pennsylvania and not involving the exposure of any "specified anatomical areas" or the conduct of any "specified sexual activities". A "Massage Parlor" shall be considered an "Adult Business" for the purpose of this Ordinance.

**MIGRANT WORKER CAMP:** Any living quarters or housing accommodations maintained directly or indirectly in connection with any work or place where work is being performed by seasonal agricultural workers, except houses rented to year-round employees and their immediate families for dwelling purposes.

**MIGRANT WORKER (SEASONAL WORKER, TEMPORARY WORKER):** Farm laborers who are not year-round employees and who occupy living quarters other than their permanent home during the period of such work on a farm including intrastate and interstate migrants.

**MOBILE HOME:** A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two 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 may be used without a permanent foundation.

**MOBILE HOME, DEPENDENT:** A mobile home which is not equipped with a toilet and/or bathtub or shower.

**MOBILE HOME, INDEPENDENT:** A mobile home equipped with a toilet and bathtub or shower.

**MOBILE HOME LOT:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

**MOBILE HOME PARK:** A parcel of land that has been planned and improved for the placement of mobile homes for non-transient use and consisting of two or more mobile home lots. Mobile home parks may be planned as single-family detached, single-family cluster, or performance subdivisions.

**MOTEL:** A "motel" or a "tourist cabin" is a building or a group of buildings which:

- (a) Contain living and sleeping accommodations used primarily for transient occupancy, and
- (b) Have individual entrances from outside the building to serve each such living or sleeping unit.
- (c) Restaurants, cocktail lounges, banquet halls, ballrooms and waiting rooms are permitted as accessory uses.

**MOTOR VEHICLE:** Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles.

**MULTI-FAMILY DWELLING PROJECT:** Any development of a single parcel of property that includes one (1) or more buildings containing three (3) or more dwelling units. Any residential development which proposes the construction of two (2) or more two-family dwellings on one (1) parcel of property shall also be considered a multi-family project.

**MUNICIPAL-MUNICIPALITY:** Of or the Borough, Township or City within which a subdivision or land development is located. Where the text so indicates the term, 'municipality' shall also refer to the local governing body e.g., Township Supervisors.

**NOISE:** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**NONCONFORMING LOT:** A zone lot in single ownership, adjacent on all sides to properties in different ownership, which does not conform with the minimum dimension specified for the district or for the use contained upon the lot.

**NONCONFORMING SIGN:** A legally established sign which does not conform to the regulations of the district in which it is located.

**NONCONFORMING STRUCTURE:** A structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reasons of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE:** A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. No principal Permitted Use or Special Use shall be considered nonconforming if the yards, height, areas coverage dimensions, signs, or off-street parking do not conform with the regulations of the district in which it is located.

**NUDE MODEL STUDIO:** Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A "Nude Model Studio" shall be considered an "Adult Business" for the purpose of this Ordinance.

**NUDITY OR A STATE OF NUDITY:** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering or any portion thereof below the top of the areolae.

**NURSERY, HORTICULTURE:** Any lot or parcel of land used to cultivate, propagates and grow trees, shrubs vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary

use.

**NURSING OR CONVALESCENT HOME:** A building designed and used for the full time care of human beings and which may include housing or lodging, meals and nursing care.

**OBSCENE MATERIALS:** Any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, video tape, sound recording, article, instrument or any other written or recorded matter which depicts or describes, any "specified anatomical areas" and/or "specified sexual activities" and which, 1) the average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest, 2) the subject matter depicts or describes in a patently offensive way, "specified sexual activities", and 3) the subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

**OFFICE BUILDING:** A building comprised of more than 50 percent of offices.

**OFFICIAL MAP:** A map officially adopted by ordinance of the municipality consisting of surveys of the exact location of the lines of existing and proposed public streets, watercourses and public grounds, including widening, narrowing, extensions, diminutions, openings or closings of same for the whole of the municipality.

**ONE-HUNDRED YEAR FLOOD:** A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year); for purposes of this ordinance, the Regulatory Flood.

**OPEN LAND OR OPEN SPACE:** That part of a particular development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance. Open land may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland, forest land or estate lots which are not accessible to project residents or the public.

**OUTDOOR ADVERTISEMENT:** An advertisement used outdoors, including painted walls, or rock face, of a product or service unrelated to the use of the land or structure on which it is located, but not including official notices or directional road signs of a governmental body.

**PARKING AREA, PRIVATE:** An open area for the same uses as a private garage, and subject to the same conditions.

**PARKING AREA, PUBLIC:** An open area, other than a street or other public way, used for the parking of automobiles, and available to the public.

**PARKING LOT OR GARAGE, COMMERCIAL:** A "commercial parking lot or garage" is a lot or structure whose principal use is parking or storing motor vehicles for specified time periods or on a rental basis, but no parking or storing commercial or public utility vehicles, or the dead storage of motor vehicles.

Minor repairs incidental to the parking and storing of motor vehicles are permitted as an accessory use.

**PARKING SPACE:** A "parking space" consists of:

- (a) Open space with a dustless all-weather surface, or space in a private garage of other structure.
- (b) An area of not less than one-hundred and eighty (180 square feet in size, for the storage of one automobile, accessible from a public way.

**PERSON:** Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district,, authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**PERSONAL SERVICES:** Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, valet service, watch repairing, barber shops, beauty parlors, and related activities.

**PLAN OR PLAT:** A map, plan, or layout showing the subdivision of land indicating the location and boundaries of individual properties.

**PREMISES:** Any lot, parcel or tracts of land and any building constructed thereon.

**PRINCIPAL PERMITTED USE:** Any use requiring no special action by the Board or the Commission before a zoning permit is granted by the Zoning Official, subject to all other applicable provisions of this Ordinance.

**PRIVATE:** Not publicly owned, operated or controlled.

**PRIVATE ROAD:** A right-of-way other than a street which provides vehicular access to two or more lots but which has not been dedicated for public use.

**PROFESSIONAL OFFICES:** The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects engineers, planners, realtors and the like.

**PUBLIC:** Owned, operated or controlled by a government agency (Federal, state or local--including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Public Education).

**PUBLIC GROUNDS:** Includes (i) parks, playgrounds and other public areas; and (ii) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

**PUBLIC NOTICE:** A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty days or less than fourteen days from the date of the hearing.

**PUBLIC RIGHT-OF-WAY:** Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

**QUARRY, SAND PIT, GRAVEL PIT, BORROW PIT, TOP SOIL STRIPPING:** A lot or land or part thereof used for the purpose of extracting stone, sand, clay, gravel, or top soil for sale and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

**RECREATION:**

- (a) Recreation, Commercial: Recreation facilities operated as a business and open to the general public for a fee.
- (b) Recreation, Private, Non-Commercial: Clubs or recreation facilities, operated by a non-profit organization.
- (c) Recreation, Public: Recreation facilities operated as a non-profit enterprise by a governmental entity or a non-profit organization, and open to the general public.
- (d) Recreation Facility, Outdoor: Any activity normally conducted outdoors, including swimming, tennis, baseball, football, and similar recreational and/or athletic activities. Such activities conducted within an enclosed building or structure shall be considered to be outdoor recreational facilities.

**RECREATION VEHICLE:** Any portable or mobile vehicle used or designed to be used for travel, recreation, and/or temporary living purposes; regardless of any other intended use and whether or not its wheels, rollers or skids are in place. A recreation vehicle shall include trailer, camper, boat, boat trailer, snow mobile, airplane or other similar

vehicle which may provide partial and usually temporary living and sleeping quarters and which may or may not include kitchen and/or bathroom conveniences.

**REGULATORY FLOOD:** The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this ordinance, the one hundred year flood.

**REGULATORY FLOOD ELEVATION:** The 100 year flood elevation.

**RESIDENT FACILITY (MENTALLY RETARDED AND OTHER HANDICAPPED):** A facility of five-bed capacity intended solely for the admission of mentally retarded and other handicapped patients who are provided with an organized program of services including training and vocational and recreational activities.

**RIDING ACADEMY:** An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

**ROOMING HOUSE:** A dwelling which has more than one sleeping room for rent to persons not related to its other occupants. The term "Rooming House" includes the term "Boarding House".

**SANATARIUM, SANATORIUM:** A private hospital, whether or not such facility is operated for profit.

**SATELLITE EARTH STATION:** A "dish-shaped" antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites.

**SCHOOL:** A place offering instruction in any branch of knowledge under the supervision of the commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

**SCHOOL, NURSERY:** Any place designed and operated to provide regular instruction and daytime care for two or more children under the age of elementary school.

**SCREEN:** A device, material or construction used to conceal an element of a development from other elements or from adjacent development or public road rights-of-way, which may include walls, fences, topography, berms, natural and planted vegetation or other means approved by the Township.

**SCREEN PLANTING:** A vegetative material of sufficient height and density to conceal from the view of passing motorists and adjacent property owners the structures and uses on the premises on which the screen planting is located.

**SEMI-PUBLIC USES:** Churches, Sunday Schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable or philanthropic nature.

**SEWAGE DISPOSAL SYSTEM:** A system to collect, treat and dispose of sewage. No such system shall be permitted that does not comply with local, State and Federal requirements.

- (a) Central, Community or Public Sewage Disposal: A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, including sewage treatment plants, land application systems, and community sewage disposal systems. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as central sewerage for unit density determination, and in such a case all development standards, including



but not limited to, unit densities, will apply the same for each dwelling or unit as any single-family unit.

- (b) On-Lot or Individual Sewage Disposal: Any sewage disposal system (whether subsurface or above ground) used to treat and dispose of domestic sewage into the soil on an individual lot in accord with Pennsylvania Department of Environmental Protection Rules and Regulations.

**SEXUAL ENCOUNTER CENTER**: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
- (b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

A "Sexual Encounter Center" shall be considered an "Adult Business" for the purpose of this Ordinance.

**SHOPPING CENTER, DESIGNED**: A "Designed Shopping Center" is:

- (1) A group of architecturally unified commercial establishments built on a site which is planned, developed, owned, and managed as an operating unit related in its location, size, and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.
- (2) A shopping area where the stores do not necessarily front on the street but rather grouped together to afford maximum proximity to each other, or
- (3) Where more than six (6) stores are provided on the same lot.

**SIGN**: Any surface, fabric, device or structure (including billboards or poster panel) bearing lettered, pictorial or sculptured matter designed for visual communication and used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or any official traffic control sign or device.

**SIGN, ADVERTISING OFF-PREMISES**: A sign which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered an off-premises advertising sign.

**SIGN, BUSINESS**: A sign which directs attention to a business, profession, commodity, service, or entertainment which is sold or offered upon the same premises where the sign is located.

**SIGN, DEVELOPMENT**: Signs advertising the sale or development of the premises upon which they are erected.

**SIGN, DIRECTIONAL**: Signs, indicating the location and direction of premises available for or in process of development, but not erected upon the premises and bearing the name of the owner, developer, builder, or agent.

**SIGN, FLASHING**: An illuminated sign which revolves, or has alternating light or color while in use.

**SIGN, GROSS SURFACE AREA OF**: The entire area within a single continuous perimeter enclosing the extreme limits of the sign, and not passing through or between any adjacent elements of same. However, the perimeter does not include any structural or framing elements lying outside the limits of the sign and not framing an integral part of

the display.

**SIGN, INSTITUTIONAL:** Signs of schools, colleges, churches, hospitals, sanatoria, or other institutions of a similar public or semi-public nature.

**SIGN, NAME PLATES AND IDENTIFICATION:** Signs indicating the name or address of the occupant, or a permitted home occupation.

**SIGN, TEMPORARY:** A "temporary sign":

- (a) Offers premises for sale, rent or development.
- (b) Advertises the services of building trades engaged in construction or alteration of the premises upon which the sign is located, or
- (c) Advertises a special event.

Temporary signs shall be removed upon occupation of premises, or immediately after work has been completed or the event advertised has taken place.

**SITE:** The site shall be defined as a parcel or parcels of the land intended to have one or more buildings or intended to be subdivided into one or more lots.

**SITE AREA:** All land area within the site as defined in the deed. Area shall be from an actual site survey rather than from a deed description.

**SLOPE:** The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed as a ratio based upon vertical difference in feet per one hundred (100) feet of horizontal distance. In the case where this Ordinance establishes a standard for slope, the slope shall be generally measured perpendicular to the contours and in the area of any proposed areas of disturbance as shown on the soil erosion and sedimentation control plan. The final determination made by the Township based upon the recommendation of the Township Engineer.

**SOUND, MEANS:** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

**SPECIAL EXCEPTION:** A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Special exceptions are allowed or denied by the Zoning Hearing Board after recommendations by the Planning Commission.

**SPECIFIED ANATOMICAL AREAS:** Any of the following:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae.
- (b) Human male genitals in a discernable turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:** Any of the following:

- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- (c) Masturbation, actual or simulated.
- (d) Excretory functions as part of or in connection with any of the activities set forth in Subsections "A", "B" and "C" of this definition.

**STABLE, PRIVATE:** An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition, or sale.

**STABLE, PUBLIC:** A building in which any horses are kept for remuneration, hire, exhibition, or sale.

**STEEP SLOPES:** Areas where the average slope exceeds ten (10) percent which, because of this slope, are subject to high rates of storm-water run-off and therefore erosion.

**STORY:** The portion of a building included between the surfaces of any floor and the floor above it. if there is no floors above it, then the space between the floor and the ceiling next above it.

- (a) **Story, Half:** A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story. Any partial story used for residence purposes, other than for a janitor and his family, shall be deemed a full story.
- (b) **Story, First:** The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building. Any basement or cellar used for residence purposes, other than for a janitor or caretaker or his family, shall be deemed the first story.

**STREET:** Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The term "street" as defined above shall include the land within the right-of-way lands whether improved or unimproved.

- (a) **Residential Street -** A street between two intersecting streets upon which an R-District abuts, or where 50 percent or more of the abutting street frontage is in predominantly residential use.
- (b) **Side Street -** The street adjacent to a corner lot which extends in the general, direction of the depth of the lot.

**STREET FRONTAGE:** The horizontal distance measured along the right-of-way line of the street on which the lot is located. In the case of corner lots, the longest frontage shall be considered the lot frontage.

**STREET GRADE:** The officially established grade of the street upon which a lot fronts or in its absence the establishment grade of other streets upon which the lot abuts, at the midway of the frontage of the lot thereon. If there is no official established grade, the existing grade of the street at such mid-point shall be taken as the street grade.

**STREET LINE:** The dividing line between the street and lot, also known as right-of-way line.

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

**SUBDIVISION:** For definition, reference is made to the municipal Subdivision Ordinance.

**TELEPHONE CENTRAL OFFICE:** A building and its equipment erected and used for the purpose of facilitating the transmission and exchange of telephone and radio messages among subscribers, and other business of a telephone company, provided that in a residential district a telephone central office shall not include public business facilities, storage of materials, trucks, or repair facilities, or housing of repair crews.

**THEATER:** A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

**THEATER, OUTDOOR DRIVE-IN:** An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobile or on outdoor seats.

**TOURIST HOME:** A dwelling in which overnight accommodations are used by transient guests for compensation.

**TOWNHOUSE:** See *dwelling, multi-family*.

**TRAILER OR MOBILE HOME COURT:** A tract of land specifically planned and equipped to accommodate two or more residential trailers. The term includes all buildings, structures, tents, vehicles, utilities and accessories used for or intended as equipment for such courts.

**TRAILER - SMALL UTILITY:** Any trailer usually drawn by a passenger auto used for the occasional transportation of personal effects.

**USE:**

- (a) Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or
- (b) Any activity, occupation, business, or operation carried on, or intended to be carried on in a building or other structure or on a tract of land.

**USE:** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "Permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**VARIANCE:** The Board's authorized departure to a minor degree from the requirements of the Ordinance in accordance with the procedures set forth in this Ordinance.

**VENTILATING SHAFTS:** Any structure designed to furnish air and/or power, (including transformation and conversion of said power) to underground coal mines.

**VIBRATION:** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

**WATER SYSTEM OR SUPPLY:** A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Township.

- (a) Central, Community or Public Water. A public or private utility system designed to supply and transmit drinking water from a common off-lot source to two (2) or more dwelling units or uses.
- (b) On-Lot or Individual Water. Service by a water system that does not meet the definition of a "community or public water." In most cases, this would involve an individual well serving an individual lot, but may also include a common well or another duly approved system.

**WECS ACCESSORY EQUIPMENT:** A subordinate structure or structures, such as a battery bank, the use of which is incidental to that of the tower and the machine used to convert wind into a usable energy form, which structure or

structures are located on the same lot as the tower.

**WECS INTERCONNECT:** A means by which a WECS is interconnected with the local public utility company so that excess power produced by the WECS can be fed into the utility line.

**WIND ENERGY CONVERSION SYSTEM (WECS):** An aggregation of parts including the base, tower, generator, rotor, blades, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy.

**WINDOW:** An opening to the outside, other than a door, which provides all or part of the required natural ventilation, natural light, or both to an interior space.

**YARD:** A space open to the sky and unoccupied by any building, structure, or merchandise for display, rent, lease or sale, located on the same lot with a building or structure.

**YARD, FRONT:** A yard extending the full width of the lot and situated between the street right-of-way line and the required front setback line projected to the side lines of the lot. The depth of the front yard shall be measured between the required front setback line and the street right-of-way line.

**YARD, INTERIOR:** An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side, or rear yard.

**YARD, REAR:** A yard extending the full width of the lot and situated between the rear line of the lot and the required rear setback line projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the required rear setback line.

**YARD, SIDE:** A yard situated between the required setback line and the side line of the lot and extending from the front yard to the rear yard. Any yard not a rear yard or a front yard shall be deemed a side yard.

**ZONING CERTIFICATE:** The written authorization issued by the Zoning officer, for use of land, or buildings or other structures.

**ZONING MAP:** The map or maps containing the zoning districts of South Abington Township, Lackawanna County, Pennsylvania, together with all amendments subsequently adopted.

**ZONING OFFICIAL OR ZONING OFFICER:** The administrative officer, appointed by the municipality, who shall administer and enforce the provisions of this ordinance.

**NOTE:** Definitions of all other terms i.e., terms not defined herein, shall be as included within the latest edition of "Webster's New Collegiate Dictionary". Any term not defined in this Article 2.200 or not within the latest edition of "Webster's New Collegiate Dictionary" shall be as determined by the Zoning Board taken from any other appropriate source. After the application of any such definitions they shall become part of this Article 2.200 and may not be changed without amending this Zoning Ordinance.

ARTICLE 3

ESTABLISHMENT OF ZONING DISTRICTS

3.100 NAMES OF ZONING DISTRICTS

The Township of South Abington is hereby divided into the following zoning districts:

- R-1 Low Density (Residential)
- R-2 Medium Density (Residential)
- R-2A Medium Density, One and Two-Family
- R-3 High Density (Residential)
- C-1 Community Commercial
- C-1A Neighborhood Commercial
- C-2 Office Commercial
- M-1 Manufacturing
- S-1 Conservation and Forest

3.200 OFFICIAL ZONING MAP

The boundaries of the zoning districts shall be as shown upon the map attached to and made a part of this Ordinance which shall be designated "Zoning Map". This map and all the notations, references, and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

Any change in boundaries or other matters included on the Zoning Map, shall be made on the Map promptly after amendment has been approved by the municipality.

Names of existing streets, avenues, alleys, etc. shall be shown on the map as approved by proper Resolution of the Municipality which shall be the sole authority for the naming of any subsequent new streets, avenues, alleys, etc.

3.300 INTERPRETATION OF BOUNDARIES

Where uncertainty exists as to the boundaries of any Zone District shown on the official Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the center lines of streets, alleys, highways, streams, brooks, rivers, etc., shall be construed to follow such center lines;
- (b) Boundaries indicated as approximately following lot lines and municipal limit lines shall be construed as following such lot lines and the municipal limit lines;
- (c) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (d) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line.
- (e) Boundaries indicated as being parallel to or extensions of features indicated in subsections (a) through (d)

above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

- (f) Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
- (g) In any other circumstances not covered by subsections (a) through (f) above, or in the event of any uncertainty as to the boundary of any district, the Board shall interpret the district boundaries.

**3.400 CLASSIFICATION OF ANNEXED LANDS**

Any land annexed to or consolidated with the municipality must be classified and added to the existing municipal Zoning Ordinance and Map within six (6) months from the date the area becomes a part of the municipality. The procedures to be followed shall be as set forth in Article 7 of this Ordinance entitled AMENDMENTS, with the following exception: the Zoning Board and Planning Commission shall determine the initial classifications of the new territory and present its recommendation to the municipal governing body for adoption in the prescribed manner.

## ARTICLE 4

### BASIC DISTRICT REGULATIONS

#### 4.100 BASIC REGULATIONS

The basic regulations governing the use of land, the size of lots, yards and buildings within each Zoning District are established in this Article. For certain specific uses or exceptional situations these basic regulations are supplemented by Article 6 and by other provisions of this Ordinance.

- 4.101 Regulations Governing the Use of Land: Regulations governing the use of land with the various Zoning Districts shall be as set forth in Table 1.
- 4.102 Regulations Governing the Size of Lots, Yards and Buildings: Lot, yard and building regulations for the various Zoning Districts shall be as set forth in Table 2.

#### 4.200 USES IN ZONING DISTRICTS

- 4.201 Principal Permitted Uses: Uses listed as "Principal Permitted Uses" in Table 1 shall require no special action by the Board or by the Planning Commission before a zoning permit is granted by the Zoning Officer.
- 4.202 Accessory Uses: Uses listed as "Accessory Uses" in Table 1 are uses which are subordinate to the principal use of a building or property and such uses shall not require any special action by the Board or by the Planning Commission before a zoning permit is granted by the Zoning Officer.
- 4.203 Special Exceptions: Uses listed as "Special Exceptions" shall require individual consideration in each case because of their unique characteristics. Such "Special Exceptions" may be permitted only upon authorization by the Zoning Hearing Board, subject to certain conditions and safeguards, and after review by the Planning Commission. (See Section 7.1000 for procedures, standards and criteria applicable to special exceptions.)

A Special Exception shall not cause substantial injury to the value of other property where it is to be located shall conform with regulations applicable to the District where located; shall be compatible with adjoining development; shall provide adequate landscaping and screening; shall provide off-street parking and loading so as to minimize interference with traffic on the local streets and shall not jeopardize the public health, safety, welfare and convenience.

- 4.204 Conditional Uses: Uses listed as "Conditional Uses" are in the nature of special uses which may be permitted by the governing body of the municipality. These uses have a direct affect upon the lives of all persons within the community. Such "Conditional Uses" may be permitted by the governing body only after it has thoroughly examined the proposal and determined that it does not adversely affect the general welfare of the community, after review by the Planning Commission. (See Section 7.1000 for procedures, standards and criteria applicable to conditional uses.)



TABLE 1 BASIC REGULATIONS GOVERNING THE USE OF LAND									
USE CLASS	DISTRICT								
USE CLASS NUMBER and TYPE	RESIDENTIAL				COMMERCIAL			IND.	CON.
	R-1	R-2	R-2A	R-3	C-1	C-1A	C-2	M-1	S-1
<b>PRINCIPAL PERMITTED USES</b>									
1. Single-family Dwellings	X	X	X	X					
2. Two-family Dwellings		X	X	X					
3. Reserved									
4. Community Commercial					X				
5. Neighborhood Retail/Service						X			
6. Office Commercial							X	X	
7. Industrial								X	
8. Conservation and Forest									X
9. Agriculture									X
10. Essential Services	X	X	X	X	X	X	X	X	X
<b>ACCESSORY USES</b>									
11. Accessory Residential	X	X	X	X					
12. Other Accessory Uses	X	X	X	X	X	X	X	X	X
<b>SPECIAL EXCEPTIONS</b>									
13. Reserved									
14. Related Residential	X	X	X	X					
15. Day Care Centers	X	X	X	X	X	X	X	X	X
16. Large Scale Commercial Recreation								X	X
17. Appropriate Public Uses	X	X	X	X	X	X	X	X	X
18. Mobile Home Courts		X		X					
<b>CONDITIONAL USES</b>									
19. Multi-family Dwellings				X					
20. Reserved									
21. Conditional Uses in the M-1 District								X	
22. Commercial Communications Devices (See Sec. 6.729 for CCD as accessory uses)									X
NOTE: X indicates that the Use Class designated is permitted in the District.									

**TABLE 2**  
**REGULATIONS GOVERNING THE SIZE OF LOTS, YARDS AND BUILDINGS [a]**  
**Single-Family and Two-Family Dwellings**

Type of Regulation	Zoning District						
	Served by On-Site Sewage Disposal		Served by Central Sewage Disposal				
	Any District where permitted	R-2 & R-3	R-1	R-2 and R-2A		R-3	
	Single-Family Dwellings Only	Two-Family Dwellings	Single-Family Dwellings Only	Single-Family Dwellings	Two-Family Dwellings	Single-Family Dwellings	Two-Family Dwellings
<b>Minimum lot size</b>							
Area per dwelling unit (acres)	1.00	0.50 [b]	0.50	0.25	0.25 [b]	0.25	0.25 [b]
Width (feet)	150	75 [c]	100	80	70 [c]	80	70 [c]
Depth (feet)	150	100	120	100	90	100	90
<b>Minimum yards (building setbacks)</b>							
Front (feet)	30	30	30	30	30	25	25
Rear (feet)	25	25	25	25	25	25	25
Each side yard (feet)	15	15	15	10	8	8	8
<b>Maximum building height</b>							
Number of stories	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Feet	35	35	35	35	35	35	35
<b>Maximum lot coverage (%)</b>	40	40	40	40	40	45	45

**NOTES:**

- a. See Article 6 for Supplementary Provisions and for additional regulations governing accessory structures.
- b. Applies to each lot of a two-family dwelling with side-by-side units with a common wall and each unit on a separate lot. Total lot size for a two-family dwelling on one parcel shall be twice the minimum lot size listed on the Table. For example, the minimum lot size for each lot of a side-by-side, two-family dwelling on adjoining lots in the R-2 District served by central sewage is 0.25 acres; and the minimum lot size for a two-family dwelling on one unsubdivided parcel is 0.50 acres.
- c. Applies to each lot of a two-family dwelling with side-by-side units with a common wall and each unit on a separate lot. Lot width for a two-family dwelling on one parcel shall be 1.5 times the minimum lot width listed on the Table. For example, the minimum lot width for each lot of a side-by-side, two-family dwelling on adjoining lots in the R-2 District served by central sewage is 70 feet; and the minimum lot width for a two-family dwelling on one unsubdivided parcel is 105 feet.
- (See Figure 1 and Figure 2 on the following page for examples of two-family lot size and dimensions.)

ILLUSTRATIONS OF LOT SIZE AND DIMENSIONS  
TWO-FAMILY DWELLINGS -- R-2 DISTRICT  
(CENTRAL SEWAGE DISPOSAL)

Figure 1

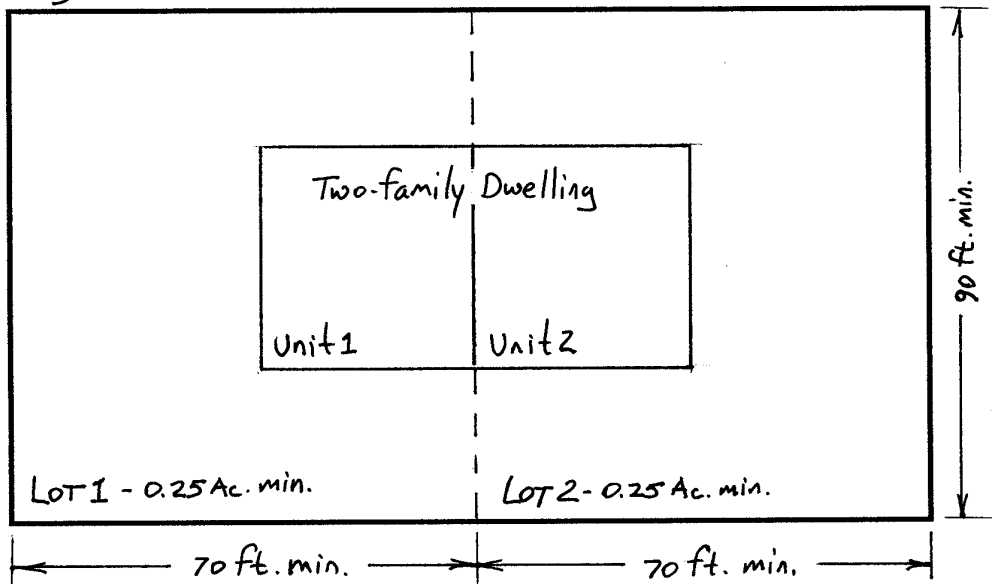
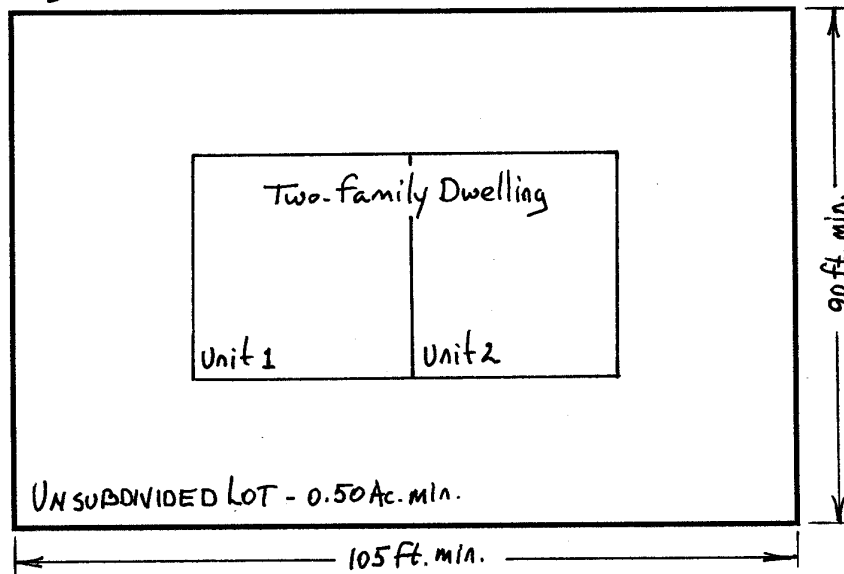


Figure 2



NOT TO SCALE

TABLE 2 continued REGULATIONS GOVERNING THE SIZE OF LOTS, YARDS AND BUILDINGS [a] Multi-Family Dwellings -- See Section 6.718					
TABLE 2 continued REGULATIONS GOVERNING THE SIZE OF LOTS, YARDS AND BUILDINGS [a] Nonresidential Uses in Commercial, Industrial and Conservation Districts					
Type of Regulation	Zoning District				
	COMMERCIAL			INDUS.	CONS.
	C-1	C-1A	C-2	M-1	S-1
<b>Minimum lot size</b>					
Area per commercial or industrial use (square feet)	10,000	10,000	43,560	15,000	30,000
Width (feet)	80	80	150	100	120
Depth (feet)	100	100	150	100	130
<b>Minimum yards</b>					
Front (feet)	30	30	35	35	30
Rear (feet)	25	25	50	50	25
Each side yard (feet)	0 [b]	15 [b]	0 [b]	0 [c]	10 [d]
<b>Maximum building height</b>					
Feet	50	35	50	50	35
<b>Maximum lot coverage</b> (percent)	70	55	70	70	45

NOTES:

- a. See Article 6 for Supplementary Provisions and for additional regulations governing accessory structures.
- b. Except when abutting any residential zoning district, then 25 feet shall be required.
- c. Except when abutting any residential zoning district, then 30 feet shall be required.
- d. Except when abutting any residential zoning district, then 20 feet shall be required.

4.300 USE CLASSES

Nineteen "Use Classes" are hereby established as shown on Table 1. The specific uses included in each Use Class are outlined below:

4.301 Principal Permitted Uses - Use Class 1 through 10:  
(See Section 4.201)

- (a) Use Class 1: Single-Family Detached Dwellings. Also includes group homes. (See definition in Article 2.)
- (b) Use Class 2: Two-Family Dwellings. Includes side-by-side and over-under units. (See definition in Article 2.)

- (c) Use Class 3: Reserved.
- (d) Use Class 4: Community Commercial. Includes: retail and service establishments serving the entire community such as department stores, variety and speciality shops, banks and other financial institutions, hotels and motels, offices and office buildings, furniture and major appliance stores, liquor stores, florist retail outlets, greenhouses, supermarkets, radio and television studios, automobile service stations including minor repairs, auto supply stores, auto sales and service (no body repairing), commercial parking lots, railway and bus terminals, telegraph and express offices, wholesale businesses, produce markets, and commercial communication devices mounted on existing structures in accord with Section 6.728.

Commercial Recreation and Entertainment: Includes: hotels, theaters, night clubs, restaurants, taverns, major entertainment facilities, bowling alleys, pool halls, skating rinks, social halls, clubs and lodges.

Commercial Education: Includes: schools of business, technical trade, art, music, dancing and photography.

- (e) Use Class 5: Neighborhood Retail Business and Service: Includes: small retail stores and services, serving the neighborhood only, such as: neighborhood grocery, drug, soda fountain (no dancing or live entertainment), small business and professional offices, barber and beauty shops, shoe repair, mortuaries, rooming houses, tea room catering, cleaning and laundry pick-up service establishments and laundromats.
- (f) Use Class 6: Office Commercial: Includes: office buildings, corporate headquarters, computer centers, professional offices and local service office facilities.
- (g) Use Class 7: Light Industry: Includes: the manufacture, assembly, or packing of products from previously prepared materials not objectionable or injurious due to smoke, noise, odors, glare, dust or hazardous materials. Such products would include: those made from cloth, plastic, paper, leather, wood, metal, precious or semiprecious metals or stones and synthetic materials;

Heavy Industry: involving the manufacture or assembly of products from raw materials. Includes: bulk storage of grain and similar products, metal fabrication (including structural steel shops, machine shops, forges and foundries) brick, pottery, stone and monument works, concrete and paving material preparation plants, paint manufacturing and warehousing. All uses in this class shall not be permitted in areas less than 100 feet from any R-District.

- (h) Use Class 8: Conservation and Forest: Includes: open space; forest and animal sanctuaries; radio-television transmission or receiving towers and facilities; cemeteries, crematories, mausoleums; nurseries and greenhouses; game lands and preserves; parks and private recreational facilities and accessory uses to above.
- (i) Use Class 9: Agricultural: Included in this group shall be: the storage and packing of fruits and vegetables produced on the premises; tilling of the soil, the raising of crops, fruits, vegetables, greenhouses, nurseries, and horticulture producing flowers and other ornamental plants; sale of agricultural and horticultural products raised or produced on the premises; signs as permitted by and subject to appropriate regulations of this Ordinance; the hatching, raising, slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys or other fowl or poultry, rabbits, fish or frogs, hatched or raised on the premises; the raising and grazing of horses, cattle, hogs, sheep or goats, including the supplementary feeding of such animals, provided that such raising or grazing is not a part of nor conducted in conjunction with livestock slaughtering house or animal by-products business; the keeping and raising of hogs, provided that there shall be no feeding, or any market house refuse, garbage, or offal, other than that produced on the premises, the processing, storage, and sale of milk and milk products,

customary agricultural operations, farming, nurseries and greenhouses; single and two-family dwellings, barns, stables and other accessory structures and uses associated with, but incidental to, above uses which may include Home Occupations subject to appropriate regulations of this Ordinance; appropriate public facilities and utilities including solid waste disposal when approved by the appropriate departments of the Commonwealth of Pennsylvania, and resort hotels, motels, hospitals and sanatoriums, animal hospitals and boarding kennels.

- (1) Single-Family and Two-Family Dwellings Accessory to Agricultural Uses - In the S-I District, the following minimum lot sizes shall be required for single-family and two-family dwellings proposed as accessory to the agricultural uses permitted in Use Class 9:

Single-family dwelling - two (2) acres.  
Two-family dwelling - four (4) acres.

- (j) Use Class 10: Essential Services for Public Utilities: (as defined in Section 2.200)

4.302 Accessory Uses - Use Class 11 and 12: (See Section 4.202 and Section 6.109)

- (a) Use Class 11: Accessory Residential Uses customarily appurtenant to permitted uses: private garages for the storage of automobiles up to four (4) in number, including one truck of not more than one-half (½) ton capacity for each single-family home, nor more than two storage spaces for each dwelling unit in a two-family or multi-family dwelling; sheds; fences; patios; private swimming pools (See Section 6.711); fireplaces; ventilating shafts; carports; radio and television antennas; home occupation (See Section 6.702); home gardening, but not the raising of livestock or poultry, non-profit nurseries and greenhouses (not including outdoor storage of equipment), professional offices of persons residing on the premises; solar energy devices; satellite earth station "dish" (See Section 6.726) and family day care homes (See Section 6.728).
- (b) Use Class 12: Other Accessory Uses. Non-commercial parking lots and garages; and loading and unloading areas, as further regulated in Section 6.500; and signs, as further regulated in Section 6.600. Other accessory uses customarily appurtenant to permitted uses including those listed in (a) above appropriate to nonresidential uses. Wind Energy Conversion Systems (WECS) shall be permitted only as Special Exception.

4.303 Special Exceptions - Use Class 13 through 18: (see sec. 4.203)

- (a) Use Class 13: Reserved
- (b) Use Class 14: Related Residential Uses: Includes: non-profit social halls, clubs and lodges.
- (c) Use Class 15: Day Care Centers, Private Nurseries and Kindergartens. As defined and regulated in Supplemental Regulations, Section 6.727.
- (d) Use Class 16: Large Scale Commercial Recreation: Includes: amusement parks, golf courses, field houses and arenas, stadiums and race tracks, shooting ranges, drive-in restaurants, outdoor theaters, camps and camping grounds, and outdoor (flea or farmer's) markets.
- (e) Use Class 17: Appropriate Public Uses and Quasi-Public: Includes: public and quasi-public uses of a welfare, hospital and medical, educational, religious, recreational and cultural nature; nursing and convalescent homes, and dormitories and religious homes accessory to such uses; and essential public services that require enclosure within a building or structure. Also included in this group shall be cemeteries and mausoleums. All such uses shall be appropriate to the character of the District in which

they are proposed as determined by the Board. (See Section 6.200)

- (f) Use Class 18: Mobile Home Courts: Includes the development of Mobile Home Courts which are planned as a unit and located on parcels of land, not less than ten (10) acres in size. All permitted Mobile Home Courts shall comply with appropriate regulations of the State of Pennsylvania relating to Mobile Home Courts and shall also comply with the following additional regulations:
- (1) Each of the Mobile Home Units shall be for the exclusive use of one family or individual.
  - (2) Each Mobile Unit must be designed for long term occupancy and shall contain sleeping accommodations, a flush toilet, a tub or shower bath, kitchen facilities and with plumbing and electrical connections provided for attachment to outside systems. Toilets shall be located in separate compartments equipped with self-closing doors.
  - (3) Individual Mobile Home Lots shall be the same size as required for single-family dwellings in the Zone District in which they shall be permitted.
  - (4) No Mobile Home shall be located closer than fifty (50) feet to any of the Mobile Home Court's boundary lines.
  - (5) The minimum side clearance between any two adjacent Mobile Homes shall be twenty (20) feet.
  - (6) Roadway or Area Lighting shall be reflected away from adjoining properties.
  - (7) The sale of Mobile Homes from a Mobile Home Court shall be prohibited. This restriction, however is not to be construed as to prevent the sale of a Mobile Home within a Mobile Home Court, but is, rather, included to prevent the establishment of a commercial enterprise.
  - (8) Only one accessory building per individual parcel shall be permitted and such accessory building shall not contain a greater area than the area of the Mobile Home located on the same parcel.
  - (9) The longitudinal gradient and cross slope of any mobile home lot shall not exceed five (5) percent, except for terracing at the periphery, and the minimum slope in any direction shall be one (1) percent.
  - (10) The area of the mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home, thereby securing the superstructure against uplift, sliding, or rotation.
    - a. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
    - b. The mobile home stand shall be provided with anchors and tiedowns such as "deadmen" eyelets-embedded in concrete foundations or run-ways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
    - c. Each mobile home lot shall have a paved patio of at least 190 square feet. The least dimension shall not be less than 8 feet.
  - (11) Each mobile home court shall be furnished with lighting so as to adequately illuminate driveways and walkways for the safe movement of vehicles and pedestrians at night.

(12) Other Facilities:

- a. Every mobile home court shall have a structure clearly designated as the office of the mobile home park manager.
- b. At least three hundred (300) cubic feet of enclosed storage space shall be provided for each mobile home lot.
- c. Service and accessory buildings located in a mobile home court shall be used only by the residents of the mobile home park.

(13) Structural Requirements for Buildings:

- a. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed as to prevent entrance of penetration of moisture and weather.
- b. All rooms containing lavatory facilities shall:
  - 1. Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent, waterproof material or covered with moisture - resistant material.
  - 2. Have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10) percent of the floor area served by them.
  - 3. Have at least one (1) window which can be easily opened, or a mechanical device which will adequately ventilate the room.

(14) Responsibilities of the Court Management:

- a. The mobile home court owner or manager shall operate the court in compliance with this Ordinance and shall provide adequate supervision to maintain the court, its facilities and equipment in good repair and in a clean and sanitary condition.
- b. The court management shall supervise the placement of each mobile home on its mobile home stand which includes assurance of stability and installation of all utilities and connections.
- c. The court management shall give any health officer free access to all mobile home lots, service buildings and other community service facilities for the purpose of inspection.
- d. The management shall maintain a register containing the names of all court occupants. Such register shall be available to any authorized person inspecting the court.
- e. The management shall notify the appropriate officials in accordance with state and local taxation laws on the arrival and departure of each mobile home.

(15) All regulations governing land uses within the Zone District in which a Mobile Home Court shall be permitted shall apply to Mobile Home Courts. Each Mobile Home Court shall be considered as a residential Subdivision and as such must also conform to the regulations of the municipal Subdivision and Land Development Ordinance. These include, but are not limited to, streets, curbs,



sidewalks, buffer yards and screening, off-street parking, drainage, easements, utility line locations, erosion and sedimentation control, site planning and design standards.

#### 4.304 Conditional Uses - Use Classes 19 through 22

- (a) Use Class 19. Multi-Family Dwellings. (See definition in Article 2.) All multi-family dwellings, multi-family dwelling projects and conversions to multi-family dwellings are considered conditional uses in districts where permitted by this Ordinance. (See Section 6.718.)
- (b) Use Class 20. Reserved
- (c) Use Class 21. Conditional Uses in the M-1 District. (See Section 4.204 and Section 7.100) Adult businesses (See Section 6.712), abattoirs and slaughterhouses; sewage treatment plants, sanitary landfills and dumps, incinerators, dams and reservoirs; junk yards and auto wrecking, mining, extraction of gas, oil, gravel etc. Any use involving fissionable materials, storage or manufacture of gasoline, oil or other flammable, explosive or dangerous materials, airports, tanneries, paper manufacturing, chemical plants and refineries; sawmills, and migrant worker camps.
- (d) Use Class 22. Commercial Communication Devices. Commercial communication devices not mounted on existing structures in accord with Section 6.728 are permitted in the S-1 District as a conditional use. (For commercial communication devices mounted on existing structures in accord with Section 6.728, see Section 4.301,[d] - Use Class 4.)

In addition, new uses for abandoned public or semi-public buildings such as schools and churches shall be permitted as a conditional use pursuant to Section 4.204 and the proposed use shall comply with Table 1, Basic Regulations Governing Use of Land, for the zoning district in which the building is located.

#### 4.400 LIMITATIONS ON USE CLASSES

The following supplementary limitations on the Use Classes shall apply in various districts:

- (a) In an M-1 District, any use not conducted wholly within a completely enclosed building, except for off-street parking and loading facilities, service stations and auto sales, shall not be less than 100 feet from any R-District.

#### 4.500 PROVISION FOR ADDING USES TO USE CLASSES

A use may be added to the Use Classes by the Board after review by the Planning Commission, provided that:

- (a) It is not listed in any other Use Class.
- (b) The Use Class proposed is the most appropriate for the use to be added.
- (c) No general nuisance is created.
- (d) It shall not adversely affect the character of any District in which it is to be permitted.
- (e) It shall not create more traffic than any other use listed in the Use Class.

ARTICLE 5NONCONFORMING USES AND BUILDINGS5.100 STATEMENT OF INTENT

- (a) The zoning districts established by this Ordinance are designed to guide future use of land in the municipality by encouraging the development of desirable residential commercial and manufacturing areas, with appropriate groupings of compatible and related uses, to the end of promoting and protecting the public health, safety, comfort, prosperity and other aspects of the general welfare.

To achieve this end, lawful existing uses which would be prohibited or restricted under the terms of this Ordinance, or future amendments, and which do not conform to the character and regulations of the zoning district in which they are located must be subject to certain limitations. The regulations set forth below are intended to provide a gradual remedy for the undesirable conditions resulting from indiscriminate mixing of uses, and to afford a means whereby nonconforming uses can be eliminated gradually and reestablished in more suitable locations within the municipality. Similarly buildings or other structures which do not comply with one or more of the applicable district requirements as to lot width, minimum lot area and yard spaces, width of lot, coverage, or height are deemed to be nonconforming.

- (b) To avoid undue hardship, nonconforming uses of land, buildings, and structures shall generally be permitted to remain; the purpose of this regulation in nonconforming uses which are not appropriate in their location is to restrict further investment, when economically reasonable, in such nonconforming uses; exceptions shall be made in these instances where extensive investment is involved to avoid any unnecessary harassment in the use of such facilities.
- (c) To eliminate any undue hardship, nothing in this Ordinance shall be deemed to require any change in plans, specifications construction or intended use of any building or structure for which plans, specifications, and contract negotiations, or construction started, prior to the effective date of this Ordinance, or amendments thereof.

5.200 CONTINUATION OF USE

- 5.201 A use, building or structure which shall be made nonconforming, as defined in Section 2.200, at the time of passage of this Ordinance by this Ordinance, or any applicable amendment thereto, may be continued except as otherwise set forth in this Article.

- 5.202 A use, building or structure in existence at the time of passage of this Ordinance shall not be considered nonconforming if the yards, area, height, coverage, dimensions, or off-street parking do not conform with the regulations for the district (as enumerated in Article 4) in which the use, building or structure is located.

5.300 REGISTRATION OF NONCONFORMING USES

The owner of the premises occupied by a lawful nonconforming use or building may secure within a year a Certificate of Nonconformance from the Zoning Official. Such certificate shall be authorized by the Board and shall be for the purpose of insuring to the owner the right to continue such nonconforming use.

In order to administer this Ordinance, the Building Inspector or any other person designated by the municipality as Zoning Official shall prepare, immediately after the adoption of this Ordinance, a complete list of all nonconforming uses, buildings, lots and signs then in existence.

#### 5.400 REGULATION OF NONCONFORMING USES

An existing nonconforming use, building or structure cannot be enlarged, reconstructed, substituted or structurally altered unless required to do so by law or order and as follows:

##### 5.401 Enlargement

- (a) Any registered nonconforming use, building or structure may be enlarged up to, but not more than thirty-five (35) percent of its floor area and/or lot area, as it existed at the time of passage of this Ordinance. Such enlargement must conform to all other regulations of the District where it is situated. This provision may be used only once for each zone lot.

##### 5.402 Repairs and Maintenance.

- (a) Normal maintenance repairs and incidental alteration of a building or other structure containing a nonconforming use is permitted, provided it does not extend the area or volume of space occupied by the nonconforming use.
- (b) A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability, provided that no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

##### 5.403 Displacement and Change of Use.

- (a) A nonconforming use may be changed into a conforming use only, or to another nonconforming use which is either in the same Use Class category or which more closely approaches the uses permitted in the District in which such use is located as determined by the Planning Commission, excepting that in the case of written objections to the Commission's determinations the determination shall be made by the Board in the manner set forth for the review of "Special Uses".
- (b) A nonconforming use shall not be extended to displace a conforming use, except to provide room for parking or loading facilities which will serve the nonconforming use and which will substantially lessen congestion resulting from the nonconforming use.
- (c) Buildings or structures, regardless of conformity or ownership, shall not be combined for the purpose of extending an existing nonconforming use, or for creating a different nonconforming use.

##### 5.404 Restoration

When a nonconforming building is partially or totally destroyed by fire, explosion or other disaster, it may be restored to its original use provided the owner of the structure secures a building permit within six (6) months of such happening and the structure must be totally restored within one (1) year of such happening.

Should the owner of the structure not comply with the above time limits for restoring the structure, any future restoration or reconstruction of the structure and use must conform to the regulations of the zoning district.

##### 5.405 Termination

- (a) When discontinued for a period of one (1) year or more, a nonconforming use shall be terminated. If, however, in the opinion of the Zoning Hearing Board, the structure is not substandard and the design of the structure does not lend itself to conversion to conforming uses, this provision shall not apply. Change to a conforming use shall be considered an abandonment thereof, and such nonconforming use cannot be revived.

5.406 Approval Granted Prior to Passage of Ordinance

A building, structure or use, planned, constructed or designed in compliance with existing laws prior to the passage of this Ordinance, shall be deemed a legal nonconforming use, provided that:

- (a) The construction or use was actually started prior to passage of this Ordinance.
- (b) The ground story framework including the second tier of beams is completed within six (6) months of passage of this ordinance.
- (c) The entire building, structure or use is completed or installed and ready for occupancy or operation within one year of the passage of this Ordinance.

ARTICLE 6  
SUPPLEMENTARY REGULATIONS

6.72 (a) Wetlands

If the Township determines that wetlands may be present or may be impacted by the proposed development, the township may require wetlands, as defined and regulated by the Pennsylvania Department of Environmental Protection, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service, to be delineated on any application proposing a new use or expanded use of land. The applicant shall be responsible for said delineation and shall warrant that said wetlands have been properly delineated. If no wetlands are present, the applicant shall provide a certified statement to that effect. No development shall be undertaken by the applicant except in accord with all State and Federal wetland regulations: and the applicant shall provide to the Township evidence of such compliance. No zoning approval granted by the Township shall in any manner be construed to be an approval of compliance by the applicant with any State or Federal wetland regulations: and the Township shall have no liability or responsibility to the applicant or any other person for compliance with said regulations.

(b) Buffer for Wetlands

A buffer zone/building setback of not less than twenty-five (25) feet shall be maintained from any wetland. No buildings, structures, sewage disposal systems or other impervious surfaces shall be constructed or placed within these buffer zones. In residential subdivisions this strip shall be protected via a protective easement. In cases where Township Flood Plain Regulations require larger buffers, such regulations shall control. In the case of larger buffers being provided in applicable state and federal regulations, same shall apply.

(c) Buffer for Water Bodies

A buffer zone/building setback of not less than twenty-five (25) feet shall be maintained from any body of water or stream. No buildings, structures (except uncovered docks), sewage disposal systems or other impervious surfaces (except approved boat launches and street and driveway crossings) shall be constructed or placed within these buffer zones. In residential subdivisions this strip shall be protected via a protective easement. Whenever the subdivision and land use ordinance, flood plain ordinance, or storm water ordinance of the Township provides for a more restrictive buffer, same shall apply.

6.100 SUPPLEMENTARY REGULATIONS GOVERNING THE SIZE OF LOTS, YARDS AND BUILDINGS

6.101 Existing Nonconforming Lots in R-Districts: A single family dwelling may be constructed on any vacant nonconforming lot, in all R-Districts if it complies with the following:

- (a) Said lot is in existence as an entity at the time of passage of this Ordinance.
- (b) The owner of the lot does not own an adjoining lot.
- (c) The front yard conforms with the requirements of 6.104a.
- (d) The minimum width of the lot, and the minimum side and rear yards shall not be less than that specified in the following table.

Minimum Vacant Nonconforming Lot Dimensions Minimum Dimensions (feet)				
District in which the Lot is Located	Width	Side Yard		Rear Yard
		One Yard	Both Yards Combined	
S-1	80	8	20	25
R-1	70	7	15	20
R-2	60	5	10	20
R-3	50	4	8	20

6.102 Height Limitations: District height limitations shall not apply to church spires, cupolas and domes, monuments, water towers, chimneys, smokestacks, silos, flag poles, radio and television towers, masts and aerials, farm structures, solar energy units, WECS, and parapet walls extending not more than four (4) feet above the limiting height of the building. No communications device support structure accessory to a residential structure shall exceed a height of fifty (50) feet.

6.103 Area Regulations:

- (a) Lots Not Serviced With Public Water or Sewer: Plans for lots not served by a public water or sanitary sewer system must be submitted to, and approved by, the local authority having proper jurisdiction over such matters as well as by the Pennsylvania Department of Environmental Resources.
- (b) Large Scale Commercial Developments: Commercial developments or shopping centers, containing more than one attached commercial unit or store may be developed on a lot having the Minimum lot area specified in Article 4, Table 2. provided that all the other regulations of Table 2 shall apply.

6.104 Yard Regulations

- (a) Front Yard Exception: When an unimproved lot is situated between two improved lots, each having a principal building within 25 feet of the front lot line of the unimproved lot, the front yard shall be reduced to a depth equal to that of the greater front yard of the two adjoining lots; provided however, that it may not be reduced below 15 feet.
- (b) Side Yard Width May Be Varied: Where the side wall of a building is irregular or not parallel with the side lot line, the side yard may be varied. Its average width shall not be less than the required width, nor shall it be narrower at any point than five feet.
- (c) Width of One Side Yard May Be Reduced: A reduction of width may be authorized only by the Board when warranted by the location of existing buildings, or when conducive to the desirable development of two or more lots. The width of one side yard, however, may be reduced to not less than three feet, provided that the combined side yards shall not be less than the minimum required for the lot. Similarly, the distance between the proposed structure and another existing or proposed structure on an adjacent lot, may not be less than the distance of the two side yards, combined, as required by Table 2, Article 4 for the Zone District in which the lot is located.
- (d) Side Yard of Corner Lot: Where the side yard on the side street of a corner lot abuts another side yard of a lot in an R-District, the former shall be at least one-half the width of the front yard of the latter.

- (e) Condition of Fences: All fences, hedges, walls, and shrubs must be maintained in good condition. When adjoining an R-District, no advertising shall be permitted on fences.
  - (f) Screening: Adequate screening as required in this Ordinance shall consist of a four to six feet high covered fence, or a visual screen of suitable shrubs, placed at proper intervals to insure adequate screening, maintained within 15 feet of the property line separating the uses. Adequate screening shall be provided by any commercial or manufacturing use and by any neighborhood commercial use approved for location within any R-District where permitted or when abutting a residential use.
  - (g) Fences and Walls Located in Yards: Fences, walls and hedges not exceeding six (6) feet in height may be located in any yard or court. It is the sense of this section that the total height of walls plus fences etc., shall not extend to a vertical height exceeding six (6) feet from natural ground level. In any case, corner lots must also comply with Article 6.106.
  - (h) Projections into Yards: Unless otherwise specified below, projections into required yards shall be governed by the provisions of the Building Code of the municipality.
    - (1) Cornices, canopies, eaves, or other architectural features not required for structural support may project into a side yard not more than three (3) inches per foot of side yard width, but may not exceed a total of three (3) feet.
    - (2) Fire escapes and balconies to fire exists may not project into a front yard.
    - (3) Bay windows, fire places, chimneys, uncovered stairs and landings, and balconies not required for fire escape purposes, may project up to three (3) feet, provided that they do not together occupy more than one-third of the length of the building wall.
  - (i) Patios and Open Porches: Patios and open porches may be located in side and rear yards not closer than three feet to any adjacent property line. If located closer than eight feet, they shall be screened as outlined in Section 6.104f. In case of a corner lot, they shall not reduce the side yard on the side street below the required width.
- 6.105 Two or More Buildings on a Lot: Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate zone lot.
- 6.106 Visibility at Intersections in all Districts: On a corner lot, nothing shall be erected, placed, or allowed to grow in a manner which obscures vision:
- (a) Above a height of two-and-one half (2 ½) feet measured from the centerline grades of the intersecting streets and
  - (b) Within the area bounded by the street lines of such corner lots and a line joining points on these street lines (25) twenty-five feet from their intersection.
- 6.107 Public Utility Poles: These are excluded from the regulations specified in this Section.
- 6.108 Through Lots: Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the widest street shall be deemed the street upon which the property fronts. No principal structure shall be erected on the rear of the lot, except as specified in Section 6.105.

- 6. 109 Accessory Structures and Uses: All accessory structures & uses shall conform with the minimum yard regulations established in Table 2, except as permitted below:
  - (a) Attached Accessory Structures: Accessory structures which are attached to the principal building shall comply with all of the yard requirements for the principal structure.
  - (b) Unattached Accessory Structures in R-District: Accessory structures not attached to a principal structure in an R-District may not be erected, within the required front yard but, may be erected within the required side and rear yards of a principal structure provided that it conforms with the following:
    - (1) Maximum Height -. One and one-half stories or 15 feet in height.
    - (2) Distance from Side Lot Line - Not less than 5 feet from the side lot line.
    - (3) Distance from Side Yard (corner lot) same as for principal structure.
    - (4) Distance from Rear Lot Line - Not less than 5 feet from the rear lot line, except when the structure abuts an alley, then 10 feet shall be require
    - (5) Distance from Principal Structure - Not less than 10 feet from a principal structure.
  - (c) Unattached Non-Dwelling Accessory Structures: Non-dwelling accessory structures shall comply with front and side yard requirements (Table 2) for the principal structure. They shall have a rear yard of at least 10 feet except as otherwise specified in this Ordinance.
  - (d) Number of Accessory Structures Limited: No more than two accessory structures including a private garage are permitted on each residential zone lot.

6.200 PUBLIC AND SEMI PUBLIC USES

6.201 Appropriate Public Uses: When any appropriate public use, as enumerated in use Class 17 is permitted by the Board as a Special Use it shall comply with the following lot, yard and building regulations:

Maximum Lot Coverage	70%
Front Yard Minimum	15 feet
Rear Yard Minimum	20 feet
One Side Yard Minimum	10 feet
Both Side Yards Combined	25 feet
Maximum Height	50 feet
Floor Area Ratio	2.0

The Board may impose additional or more restrictive conditions if warranted by the character of the area in which such uses are proposed or by other special factors.

Such uses shall also be located on a street having a pavement at least 30 feet wide and shall maintain a 10 foot wide landscaped strip on all sides abutting or facing an R-District.

6.202 Community Buildings, Social Hall, Lodges Fraternal Organizations, Clubs and Other Non-Commercial Recreation Establishments:

- (a) All buildings must be a minimum of 20 feet from the rear lot line.



- (b) There shall be no external evidence of any gainful activity. Access to any space used for gainful activity shall be from within the building.
- (c) Any such use shall be located on a street having a pavement width of at least 30 feet, or shall be able to provide access without causing heavy traffic on local residential streets.
- (d) Applicants shall prove that such uses proposed to be located in R-Districts will serve primarily the residents of the surrounding neighborhood and that no other satisfactory location exists.

### 6.300 RECREATION USES

- 6.301 Commercial Recreation Uses: Such places of amusement shall provide parking with ingress designed to minimize traffic congestion, shall conform to the yard regulations of the District in which they are located, shall provide adequate screening from abutting residential property and shall show that adequate controls have been taken to prevent offensive noises vibration and other nuisance conditions.
- 6.302 Outdoor Recreation Facilities: Outdoor recreation facilities located on a residential zone lot in an R-District, shall be restricted to the use of the owner-occupant and/or members of his family. This provision shall not apply to public recreation facilities authorized in R-District as Class 16 uses. In all cases, however, lights used to illuminate outdoor recreation facilities shall not be directed at adjoining residential zone lots.
- 6.303 Drive-In Theaters: Drive-in theaters shall be subject to the following regulations:
  - (a) Shall be situated on a zone lot of ten (10) acres or more, and shall be located not closer than three hundred (300) feet to any residential structure.
  - (b) The movie screen shall face away from any public highway and the external boundaries shall be landscaped so as to obscure structures and parking areas from public streets and adjoining properties.
  - (c) Lights shall not be directed on adjoining property, streets or highways.
  - (d) Interior vehicular circulation shall be one-way only.
  - (e) Surface drainage shall be such that adjoining properties, streets or highways shall not be subjected to damage.

### 6.400 CONVERSIONS IN R-DISTRICTS

Conversion of structures to provide additional dwelling units shall be permitted subject to the following additional requirements for conversions:

- (a) The building to be converted shall conform to the height, coverage, and yard regulations for the district in which it is located.
- (b) The exterior appearance of the building shall be constructed and maintained so as to maintain the residential character of the neighborhood.
- (c) Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
- (d) The plans for the conversion of said building shall be submitted to Board for review and approval.

- (e) Every dwelling unit shall have two (2) means of egress in case of fire. Ingress and egress shall not be permitted through another dwelling unit.
- (f) For each dwelling unit created through conversion, one off-street parking space shall be provided on the zone lot.
- (g) The minimum square feet of floor area per conversion dwelling unit shall be increased by 100 square feet for each additional person more than two (2) years of age for which the dwelling unit is intended to accommodate.

6.500 OFF-STREET LOADING AND PARKING

6.501 Off-Street Loading: (Table 3)

- (a) Number of Loading Spaces Required: Every building which requires the receipt or distribution by vehicles of material or merchandise, shall provide at least one off-street loading berth and shall also provide additional spaces in accordance with Table 3. (See Page 63)
- (b) Size and Location: Each loading space shall be not less than 12 feet in width, 45 feet in length, and 14 feet in height, and may occupy all or part of a required yard.

TABLE 3 ADDITIONAL OFF-STREET LOADING SPACE REQUIREMENTS		
Uses	Sq. Ft. of Floor Area	Additional Required Off-Street Loading Berths
Schools	15,000 or more	1
Hospitals (In addition to space for ambulance)	15, 000 - 300,000	1
	For each additional 300,00 or major fraction thereof	1
Undertakers and funeral Parlors	15,000	1
	For each additional 5,000 or major fraction thereof	1
Hotels and Offices	15,000 or more	1
Commercial, Wholesale, Manufacturing and Storage	15,000 - 25,000	1
	25,000 - 40,000	2
	40,000 - 60,000	3
	60,000 - 100,000	4
	For each additional 50,000 or major fraction thereof	1 additional

6.502 Off-Street Parking: (Table 4)

- (a) Number of Parking Spaces Required: In all districts, at the time any building or structure is erected,

enlarged or increased in capacity, off-street parking spaces open to the public shall be provided as set forth in Table 4.

- (b) Size: Each off-street parking place shall have an area of not less than 180 square feet exclusive of access drives or aisles, in usable shape and condition.
- (c) Access: There shall be adequate ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than ten feet in width in the case of a dwelling, and not less than 20 feet in width in all other cases, leading to the parking or storage areas or loading spaces.

Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

- (d) Location of Facilities: Off-Site facilities shall be located on the same zone lot as the use to which they are accessory, or else within a radius of 400 feet. They must also be in the same ownership as the use to which they are accessory, subject to deed restrictions filed in an office of record, requiring the maintenance of the required number of spaces throughout the life of the use.
- (e) Modification of Parking Requirements: The Board may authorize on appeal, a modification, reduction, or waiver of the foregoing parking requirements in exceptional cases of use, zone lot size or shape, or other unusual situations.

TABLE 4 OFF-STREET PARKING SPACE REQUIREMENTS (a)	
USES	REQUIRED PARKING SPACES
Bowling Alley, Swimming Pools, Dance Halls, Roller Rinks, etc.	5 for each 500 sq. ft. of floor area or of water area in swimming pools
Churches and Schools	1 for each 5 seats in an auditorium or 1 for each 10 classroom seats, whichever is greater
Community Buildings and Social Halls	1 for each 300 sq, ft, of floor area
Dwellings	2 for each dwelling unit and 1 for each multi-family dwelling unit restricted to occupancy only by elderly persons
Funeral Homes, Mortuaries	5 for each parlor, plus 1 for each employee
Hospitals, Nursing and Convalescing Homes	1 for each 3 beds, plus 1 for each employee
Rooming Houses and Dormitories	1 for each bedroom
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants	1 for each 1,000 sq. ft. of floor area, plus 1 for each 4 employees in the maximum working shift. The total parking area shall not be less than 25% of the building floor area.
Medical or Dental Offices	5 spaces for each doctor or dentist
Barber and Beauty Shops	4 spaces for each employee plus the required residential parking if a home occupation

Restaurants, Beer Parlors and Night Clubs	1 for each 2 seats
Retail Stores, Shops, etc., in Commercial Districts	1 for each 200 sq. ft. of floor area
Banks or Professional Offices	1 for each 200 sq. ft. of floor area
Sports Arenas, Auditoriums, Theaters, Assembly Halls	1 for each 5 seats
Wholesale Establishments or Warehouses	1 for each 3 employees on maximum shift. The total parking area shall not be less than 25% of the building floor area.
Motels and Hotels	1 space for each living or sleeping unit
(a) Where a use is not specifically mentioned in this Table the requirements for similar uses listed shall apply.	

6.503 Joint Facilities for Parking or Loading: Off-street parking and loading facilities may be provided jointly for separate uses if approved by the Board. The total number of spaces shall not be less than the sum of the separate requirements for each use, and shall comply with all regulations governing location of accessory spaces.

6.504 Development of Parking and Loading Areas: A parking lot is an area not within a building or other structure where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. This definition shall include a motor vehicle display lot for sales and/or rentals.

(a) Minimum Distances and Set Backs: Off-street loading and parking areas and driveways may be developed in any required front, side or rear yard, provided however that such areas designed for use by five or more vehicles shall not be located closer than 10 feet to any dwelling, school, hospital or similar institution. (See Table 2)

(b) Surfacing: Surfacing shall consist of an asphaltic or Portland cement binder pavement (or similar durable and dust-less surface), graded and drained to dispose of all surface water, and designed to provide for orderly and safe loading and parking.

(c) Landscaping Requirements for Parking Lots:

(1) Objective - The objective of this provision is to protect and promote the public health, safety and general welfare by requiring the landscaping of parking lots which will serve to reduce heat and noise, and the glare of vehicle lights; to preserve underground water reserves and return precipitation to the groundwater to act as a natural drainage system and ameliorate storm water drainage problems to reduce soil erosion; to provide shade; to relieve the blighted appearance of parking lots; and to facilitate the creation of a convenient and attractive community.

(2) Landscape Plan - No parking lot shall be constructed, enlarged, re-paved or reconstructed or be significantly altered except in accord with the requirements of Section 6.708.3 of this Ordinance and the Township Subdivision and Land Development Ordinance.

6.505 Zoning District Location: Parking and loading facilities for non-residential uses and access to such facilities shall be permitted only in the zoning district in which the principal use is permitted.

## 6.600 SIGNS

Unless otherwise specified below, the construction, alteration, erection, maintenance and location of signs and outdoor displays shall be governed by the provisions of the Building Code of the municipality.

6.601 General Regulations for Signs: The following regulations shall apply to all permitted sign uses:

- (a) All signs shall conform to the same height, side yards setback and rear yard requirements established for principal buildings in the district in which the sign is located, except as follows:
  - (1) Signs which are to be attached flat against any building existing at the time of passage of this ordinance.
  - (2) Signs permitted in residential districts may be free-standing signs located five feet in front of the principal building, except for name plates and identification signs which must be attached to the building.
  - (3) Where drive-in or parking facilities are provided, one (1) business sign not exceeding forty-five (45) square feet in area may be erected in any required setback area if it is not located nearer to the street or highway right-of-way line than one third (1/3) the required setback distance.
- (b) Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
- (c) Lighted and Moving Signs:
  - (1) No sign will be permitted which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of the interstate or primary systems or which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle, or which interferes with any drivers operation of a motor vehicle.
  - (2) No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.
  - (3) The following signs are prohibited: signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights, and signs which flash, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through animation or the movement or flashing of parts, including automatic, electronically controlled copy changes, or through the impression of movement or flashing. This shall not prohibit digital or analogue time and temperature indicators, or text messages provided that the frequency of change in the message display for all such signs is not less than four (4) seconds in duration and the height of the characters in the message does not exceed twelve (12) inches.
- (d) Signs, other than official traffic signs, shall not be erected within the right-of-way lines of any street.
- (e) No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape, or so as to prevent free access from one part of a roof to any other part. No sign of any kind shall be attached to a stand-pipe or fire escape.
- (f) A zoning permit shall not be required for the erection, alteration or maintenance of any sign, less than seven (7) square feet in area, permitted in an R-District.
- (g) A zoning permit shall be required for the erection or reconstruction of any business or advertising sign.

- (h) All temporary signs erected for a special event shall be removed by the property owner when the circumstances leading to their erection no longer apply.
- (i) No sign shall be erected at the intersection of streets so as to obstruct free and clear vision, and if located within the direct line of vision of any traffic control sign or signal, shall not have flashing or intermittent lighting, or red, green or amber illumination.

6.602 Signs in Residential and Conservation Districts:

- (a) Regulations of Signs: Non-flashing and non-advertising signs are permitted in all Residential and Conservation Districts as set forth in Table 5.
- (b) Height and Projection of Signs: No sign in a Residential or Conservation District shall project into any public way, or project higher than ten (10) feet above ground level.

<b>TABLE 5 REGULATIONS PERTAINING TO NON-FLASHING, NON-ADVERTISING SIGNS IN RESIDENTIAL AND CONSERVATION DISTRICTS</b>		
<b>Sign Type</b>	<b>Maximum Area</b>	<b>Maximum Number</b>
Name Plates and Identification (a) signs indicating name or address of occupant, or a permitted home occupation	Two (2) sq. ft. area	One (1) per dwelling unit, two (2) in corner lots, and one (1) facing each street
Sale or Rental signs indicating the sale or rental of the premises or the sale of farm products (b)	Six (6) sq. ft. in area	One (1), unless property fronts upon more than one street, then two (2), one (1) on each frontage
Institutional signs identifying school, colleges, hospitals, churches and other similar institutions (b) signs Accessory to parking areas (b) 1. At entrances and exits 2. Containing instructions on use of parking lot	Twenty (20) sq. ft. in area  Two (2) sq. ft. in area Nine (9) sq. ft. in area	One (1), unless property fronts upon more than one street, then two (2), one (1) on each frontage  One (1) for each entrance or exit Only one (1), identifying area, or designating conditions
Development signs advertising sale or development of premises (b)	Thirty-two (32) sq. ft. in area	Two (2), unless property fronts upon more than one (1) street, then two (2) on each frontage
Artisan’s signs identifying work of mechanics, painters, and other artisans (c)	Twelve (12) sq. ft. in area	No limit
Private Driveways signs indicating the private nature of a driveway, or trespassing signs	Two (2) sq. ft. in area	No limit
Farm Product Signs advertising sale of farm products when permitted (d)	Six (6) sq. ft. in area	Two (2)
(a) Must be attached to the dwelling (b) Must be located on property (c) Must be removed promptly upon completion of work (d) May be displayed only when products are on sale		

6.603 Business Signs in Commercial and Manufacturing Districts: Business signs bearing the name of the occupant and products manufactured, processed, sold or displayed on the premises may be erected and maintained in all Commercial and Manufacturing Districts.

Illuminated, non-flashing and non-animated business signs accessory and incidental to the permitted use, shall be permitted in all Commercial and Manufacturing Districts subject to the following requirements:

- (a) Projection of Signs: No hanging or suspended sign shall be erected so as to exceed the following projections:
  - (1) No sign shall project beyond a property line, over a public sidewalk area, or over a public right-of-way,
  - (2) Projections from main wall of building four (4) feet.
- (b) Height of Signs: No business sign shall project above the maximum height limit of buildings or other structures for the zone District in which the sign is located in. (See Table 2 for maximum height limits).
- (c) Maximum Area of Business Signs: The gross area of all business signs, located on the same zone lot as the principal use, shall not exceed the number of square feet per linear foot of lot frontage as follows:

District	Square Feet	Maximum Sign Area (Each Sign)
C-1	4	150
C-1A	2	50
C-2	6	150
M-1	8	150

- (d) Maximum Number of Business Signs: The maximum number of business signs located on the same zone lot as the principal use shall not exceed two (2) signs.

6.604 Off-Premises Advertising Signs and Billboards: The intent of this Section 6.604 is to limit the number, size and location of off-premises advertising signs and billboards to reduce visual clutter in the Township, prevent the distraction of drivers, and maintain the character of the community. Off-premises advertising signs and billboards, as defined in Article II, may be erected and maintained only in C-1 and M-1 Zone Districts in accord with the requirements of this Section 6.604 and all other applicable requirements of this Zoning Ordinance, and applications for such signs shall be considered conditional uses.

- (b) Exchange - The erection of an off-premises advertising sign or billboard shall not be permitted unless an off-premises advertising sign or billboard of equal or greater size is removed from another location in the Township.
- (c) Principal Use - Off-premises advertising signs and billboards shall be considered principal uses and shall not be permitted on a lot with any other principal use.
- (d) Illumination - Off-premises advertising sign or billboard may be illuminated, but flashing lights or devices and animation shall be prohibited.
- (e) Setbacks - The applicable zone district setbacks for principal structures shall be maintained. for off-

premises advertising signs and billboards.

- (f) Height of Signs - No off-premises advertising sign or billboard shall project above the maximum height limit for buildings or other structures for the Zone District in which the sign is located. The height of the sign shall be measured from the base of the support structure. (See Table 2 in Article IV for maximum height limits).
- (g) Maximum Area of Off-Premises Advertising Signs and Billboards
- (1) The maximum area for any one off-premises advertising sign or billboard shall not exceed three hundred (300) square feet with a maximum height of twelve (12) feet and a maximum length of twenty-five (25) feet.
  - (2) A sign structure shall contain only one (1) sign per facing.
- (h) Spacing of Off-Premises Advertising Signs and Billboards
- (1) No off-premises advertising sign or billboard shall be permitted within one thousand (1,000) feet of another off-premises advertising sign or billboard, measured in all directions. The separation distance shall be measured between the closest points of the two (2) signs in question.
  - (2) No off-premises advertising sign or billboard shall be permitted within three hundred (300) of any dwelling or Residential District in the Township or any adjoining municipality. The separation distance shall be measured between the closest points of the proposed sign and the residential lot or residential District in question.
  - (3) No off-premises advertising sign or billboard shall be permitted within five hundred (500) feet of any park, recreational area, trail system, public or parochial school, municipal building, library, church, hospital, or similar institutional use. The separation distance shall be measured between the closest points of the proposed sign and the parcel of land on which the building or use in question is located.
  - (4) No off-premises advertising sign or billboard shall be erected within two hundred (200) feet of the public street intersection. The separation distance shall be measured between the closest point of the proposed sign and the nearest intersection of the right-of-way lines of the streets in question.
  - (5) No off-premises advertising sign or billboard shall be constructed parallel to, or at an angle of less than forty-five (45) degrees to the right-of-way upon which it faces.
- (i) Engineering Certification - Any applications for an off-premise advertising sign or billboard shall be accompanied by certification under seal by a Professional Engineer registered in the Commonwealth of Pennsylvania that the sign as proposed will not present a structural safety hazard.

#### 6.700 REGULATIONS APPLYING TO OTHER USES

- 6.701 ANIMAL HOSPITAL AND BOARDING KENNELS: Shall be located no closer than one hundred (100) feet to any residential dwelling, restaurant or hotel in any district where permitted, and shall show that adequate measures and controls have been taken to prevent offensive noise and odor. No incineration or refuse shall be permitted on the premises.
- 6.702 HOME OCCUPATIONS: A home occupation shall be an incidental use of the dwelling unit conducted only by residents of the building, who may not employ more than two additional non-resident persons. The following additional conditions shall be fulfilled. See also definitions.



- (a) Where Permitted: Within a single dwelling unit or in an accessory building provided that only one home occupation per dwelling unit shall be permitted.
- (b) Evidence of Use: No evidence of the home occupation shall be permitted, with the exception of signs as outlined in Section 6.601.
- (c) Extent of Use: No more than thirty-three (33) percent of the gross floor area of any dwelling unit may be used for a home occupation, except for medical and dental offices, foster family care, and family day care home which may use up to fifty (50%) percent.
- (d) Permitted Uses: Not more than one of the following:
  - (1) Medical, dental and other professional, real estate, insurance and other similar offices, barber or beauty shops, in accordance with the provisions for off-street parking. (Refer to Table 4)
  - (2) Rooming and/or boarding of not more than two persons.
  - (3) Custom dressmaking tailoring, millinery.
  - (4) Foster family care for not more than four children simultaneously.
  - (5) Family Day care Home (See Section 6.727)
  - (6) Tutoring for not more than four students, simultaneously, but not including music, dancing, business schools, or similar activities.

6.703 JUNK YARDS AND SIMILAR STORAGE AREAS, INCLUDING AUTOMOBILE WRECKING: No new junk yards or similar storage areas shall be permitted within the municipal limits from the date of passage of this Ordinance. Such Uses existing at said date of adoption may continue their operations as nonconforming uses, but shall terminate within one year unless they comply with the following provisions:

- (a) All junk yards and similar storage facilities shall be completely enclosed by a fence or wall at least six feet in height.
- (b) No highly inflammable or explosive material shall be stored in bulk above ground, with the exception of fuel tanks or drums which are directly connected with heating appliances.
- (c) All materials or wastes causing fumes or dust, constituting a fire hazard, or attractive to rodents or insects, may be stored outdoors only in enclosed containers.
- (d) No operations which cause a general nuisance (Section 2.200) shall be permitted.

6.704 EXCAVATION OF TOPSOIL, GRAVEL, SAND OR ROCK: Any excavations for the removal of topsoil, gravel, sand, rock or mineral deposits of any kind, must be enclosed by a fence located at least ten (10) feet from the sides or perimeter of the excavation. All such excavations must be adequately drained to prevent the formation of pools of water. The side walls of all such excavations shall slope at an angle no steeper than one foot (1) of vertical distance for each two (2) feet of horizontal distance. A rock crusher or processing plant shall not be located nearer than five hundred (500) feet from any adjoining residence.

Topsoil or sod may be removed only under the following conditions:

- (a) As part of the construction or alteration of a building, or the grading incidental to such building.
- (b) In connection with normal lawn preparation and maintenance on the lot from which such topsoil or sod is removed.

- (c) In connection with the construction or alteration of a street.

In no event shall any excavated materials be permitted to form waste piles or mounds, it being the intent of this provision that any excavated material be used as fill or refill or otherwise distributed so as to avoid any unsightly or unnecessary accumulation. (See also Section 6.717)

6.705 AUTOMOBILE SERVICE, PARKING GARAGES AND PARKING LOTS:

- (a) Location of Exits and Entrances: No vehicular entrance or exit shall be permitted within 50 feet along the same side of a street of any school, public playground, church, hospital public library, institution for dependents or children except where such property is in another block or on another street on which the zone lot does not abut. Such access shall not be closer to the intersection of any two street lot lines than 30 feet.
- (b) Location of Appliances or Pits: All automobile servicing pits shall be located entirely within a building. (See also Section 6.714)

6.706 TRAILER COURT, TRAILERS AND MOBILE HOMES:

- (a) No trailer, trailer coach or mobile home shall be used outside of a permitted trailer court, to provide living quarters or space for the conduct of business, except that it may be used temporarily for office purposes during the construction of a principal building or a road, on the issuance of a temporary permit by the Zoning Official.
- (b) Except for trailers offered for sale on trailer sales lots, the parking of a trailer, trailer coach or mobile home outside of a permitted mobile home court in any district for 48 hours or more, shall be prohibited.
- (c) Small utility or vacation type trailers are excluded from the provision of (b) above.
- (d) Trailer Courts where permitted shall comply with all other provisions included under Use Class 17, Section 4.303 hereof.

6.707 ANIMALS, POULTRY AND GARDENING:

Animals and Poultry: In districts where permitted, operations involving the use of buildings and land for farming, nurseries, and greenhouses, riding academies, livery or boarding stables, dog kennels, animal hospitals, stock raising dairying and poultry shall be subject to the following safeguards and regulations:

- (a) Building in which animals or poultry are kept shall not hereafter be erected within three hundred feet (300) of any lot line.
- (b) Storage of manure or odor or dust-producing substance shall not be permitted within three hundred feet (300) of any lot line.
- (c) Greenhouse heating plant shall not be operated within one hundred feet (100) of any lot line.

Gardening: The tilling of the soil, raising of crops and gardening shall be permitted in any district.

## 6.708 YARDS, BUFFERS, SCREENS AND LANDSCAPING

### 6.708.1 General Standards

- (a) Buffers, screens and landscaping shall be provided for all new uses, additions and alterations to uses, reconstruction of uses and changes in uses in accord with Section 6.400 of the Township Subdivision and Land Development Ordinance.
- (b) Buffers shall not be used for parking.
- (c) Buffers other than interior side buffers may be crossed by access roads, service drives, and utility easements not more than thirty-five (35) feet in width provided that the angle of the center line of the road, drive, or easement crosses the lot line and buffer yards at not less than sixty (60) degrees.
- (d) If a front yard of thirty (30) feet or more in depth is provided, the buffer yard may coincide with the front thirty (30) feet of the front yard.
- (e) All activities involving the raising and keeping of animals shall be set back a distance of at least one hundred (100) feet from any non-farm dwelling.

6.708.2 Conditional Uses and Special Exceptions: In the case of conditional uses and special exceptions, larger and/or more dense landscaped buffers may be required by the Township in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the character of the District.

- (a) In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas
- (b) The width of the required buffer, as determined by the Township, shall not be less than that required by Section 6.400 of the Township Subdivision and Land Development Ordinance.
- (c) In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two (2) or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Township shall determine that the proposed use and adjoining use(s) are not incompatible.

6.708.3 Landscaping: All new uses, additions and alterations to uses, reconstruction of uses and changes in uses shall require the submission of a landscape plan to the Township as part of the site plan submission or building permit application. (See Section 6.504,c for parking lots.) No approval shall be granted and no permit shall be issued until the Township determines that the plan complies with the requirements of this Section 6.708.3. All required landscaping shall be installed in accord with the approved plan. Landscaping shall be considered an improvement for the purposes of regulation by the Township Subdivision and Land Development Ordinance.

- (a) Exemption - This section shall not apply to single-family and two-family dwellings.
- (b) Plan Preparation and Content and Landscape Design - Landscape plan preparation and content, and landscape design shall comply with the requirements of Section 6.400 of the Township Subdivision and Land Development Ordinance.

6.709 COURTS: Courts shall conform to the following requirements:

(a) An open space in the form of an inner court or outer court shall be provided in connection with any building in any residential or business district wherever any room therein in which a person or persons live, sleep, or congregate, cannot be adequately lighted and ventilated. Such court shall be adjacent to such room, the windows of which shall open in such court. (This Section shall not apply to specialized commercial or manufacturing processes where controlled light and/or ventilation are required).

(b) Outer Court:

(1) The width of any outer court upon which windows open from a living room, bedroom, or dining room shall be not less than the height of any wall opposite such windows.

(2) The depth of an outer court formed by walls on three (3) sides shall be not greater than one and one half (1 ½ ) times the width.

(c) Inner Court:

(1) The least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than fifty (50) feet. This shall apply only when adequate light and ventilation cannot be provided.

(2) An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross section area and headroom for the passage of fire fighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area with access to a street.

6.710 MOTELS: In districts where permitted, motels shall be subject to the following safeguards and regulations:

(a) Cabins or parts thereof shall be placed no closer to any lot line than thirty (30) feet.

(b) At least one (1) parking space shall be provided on the premises for each accommodation. Off-street parking and loading spaces for other facilities developed on the motel premises shall be provided as required by Tables 3 and 4 respectively.

(c) Every cabin or unit shall be provided with running water and toilet facilities for each accommodation.

(d) With the application for a permit, a plan shall be submitted to the Zoning Officer showing the following:

(3) Extent and area of the property.

(4) Entrances, exits, driveways, roads and walks.

(5) Site of each cabin or unit.

(6) Plan for water supply.

(7) Plan for sewage disposal.

(8) Plan for supply of electricity.

6.711 PRIVATE SWIMMING POOLS: Private swimming pools shall be permitted accessory use in any

district and shall comply with the following conditions and requirements:

- (a) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- (b) It may not be located, including any walks, or paved areas or accessory structures adjacent thereto, closer than five (5) feet to any property line on which located.
- (c) For excavated swimming pools, the entire property on which the swimming pool is located shall so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than four (4) feet in height and maintained in good condition. When a fence is used, it shall not have any openings greater than four inches by six inches, except for approved gates; and when said fence is formed of metal or wire, such metal or wire shall be not less than number 9 gauge.

#### 6.712 ADULT BUSINESSES

6.712.1 Findings: In adopting these standards which apply to adult businesses, the Township Board of Supervisors has made the following findings in regard to the secondary effects on the health, safety and welfare of the citizens of the Township. The findings are based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Board of Supervisors, and on findings incorporated in the cases of City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986), Young v. American Mini Theaters, 427 U.S. 50 (1976), and Northend Cinema, Inc., v. Seattle, 585 P. 2d 1153 (Wash. 1978), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Saint Paul, Minnesota; Manatee County, Florida; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Los Angeles, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Beaumont, Texas; and New York City, New York; and also on findings found in the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, June 6, 1989, State of Minnesota.

- (a) The concern over sexually transmitted diseases is a legitimate health concern of the Township which demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.
- (b) Certain employees of sexually oriented business regulated by this Ordinance as adult theaters and adult live entertainment establishments engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.
- (c) Sexual acts occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult book stores, adult novelty stores, adult video stores, adult motion picture theaters, or adult arcades.
- (d) Offering and providing such space, encourages such activities, which creates unhealthy conditions.
- (e) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- (f) At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.
- (g) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities

conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

- (h) Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- (i) There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- (j) It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- (k) The Township desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime, preserve the quality of life, preserve property values and the character of the surrounding community.

6.712.2 Intent: It is the intent of this Section 6.712 to:

- (a) Regulate adult business in order to promote the public health, safety and welfare by minimizing the secondary effects on the community which are associated with such businesses, and which include difficulties for law enforcement, trash disposal, deleterious effects on business and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere.
- (b) Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
- (c) Have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials.
- (d) Not totally restrict or deny access by adults to sexually oriented materials or adult materials protected by the First Amendment of the Bill of Rights of the U.S. Constitution.
- (e) Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- (f) Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

6.712.3 Conditional Use in the M-1 Industrial Zoning District: Adult businesses are classified as conditional uses in the M-1 Industrial Zoning District which provides a suitable area for the development of such uses away from areas with concentrated residential development.

6.712.4 Standards: In addition to the other applicable general standards and the conditional use criteria contained in this Ordinance, the following standards shall apply to adult businesses:

- (a) Setbacks - Adult businesses shall meet the following setbacks.
- (1) Front, side and rear yard setbacks shall meet the minimum required for the district unless the standards in Subsection 2 and Subsection 3 of this Section 6.712.4,A require larger setbacks;
  - (2) Two hundred (200) feet from any:
    - a. residence
    - b. group care facility
    - c. public or semi-public building or use
    - d. public park or public recreation facility
    - e. health facility ; and,
  - (3) Five hundred (500) feet from any:
    - a. church or synagogue
    - b. public or private school
    - c. commercial enterprises catering primarily to persons under eighteen (18) years of age
    - d. any establishment that sells alcoholic beverages
- (b) Similar Businesses - Adult businesses shall not be located within four hundred (400) lineal feet of any existing adult business.
- (c) Measurement - The setback distances established in this Section 6.712 shall be as measured from the nearest edge of the building used for the subject use, measured in a straight line (without regard to intervening structures or objects) to the nearest lot line of the premises of a use from which the required setback applies.
- (d) Enlargement - Any enlargement or expansion of an existing, legally created adult business shall be considered a conditional use subject to the provisions of this Section 6.712 and all other applicable standards of this Zoning Ordinance.
- (e) Limit of One (1) Use - It shall be a violation of this Ordinance for any person to cause or permit the operation, establishment, or maintenance of more than one (1) adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another lawfully existing adult business.
- (f) Nonconformity - Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this Section 6.712 shall be deemed a nonconforming use. Such nonconforming uses shall be increased, enlarged, altered or extended, only in accord with Article 5, Non-conforming Uses and Buildings, and all other applicable standards of this Ordinance. The use may be changed to a conforming use. However, under no circumstances shall a non-conforming use as defined and regulated by this Ordinance be changed to any type of adult business.
- (g) Location of New Neighboring Uses - An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if, subsequent to the grant of a conditional use permit, a use from which an adult business is required to provide a setback under this Section 6.712 is developed within the required setback distance. Any additions or expansions of the adult business use shall comply with all setbacks required by this Section 6.712.
- (h) Alcohol - No adult business shall be operated in combination with the sale and/or consumption of alcoholic beverages on the premises.
- (i) Visibility and Signs: - No sexually explicit material, signs, silhouette, display or word shall be visible at any time from outside of the building. Signs shall comply with the provisions of the South Abington Township

Sign Ordinance, as amended; however, business signs shall be limited to a maximum of one (1), two (2) sided sign of twenty (20) square feet in area per side. Content of such signs shall be limited to only the text of the name of the business and the hours of operation.

- (j) Exemption for Modeling Class: It is a defense to prosecution under this Section 6.712 that a person appearing in a state of nudity did so in a modeling class operated:
- (1) By a proprietary school, licensed by the State, or an academically accredited college or university;
  - (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;
  - (3) In a structure -
    - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
    - b. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
    - c. where no more than one (1) nude model is on the premises at any one time; or
  - (4) By an organization which qualifies under Section 501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

6.712.5 Annual Permit: All adult businesses shall comply with annual permit requirements as may be established by any applicable ordinance of the Township.

6.713 Reserved

6.714 MOTOR VEHICLE ACCESS: Whenever motor vehicle access is provided from the street or private road onto the lot, the following regulations shall apply:

- (a) Driveways and Curbs: Access to the lot shall comply with the following regulations:
- (1) Access shall be by not more than two (2) driveways for each one hundred (100) feet frontage on any street.
  - (2) No two (2) of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three (3) feet, and no flare shall cross an extended side property line.
  - (3) Each driveway shall be not more than thirty-five (35) feet in width measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
  - (4) Driveways shall be no closer than ten (10) feet to the point of intersection of two property lines at any corner as measured along the property line, and shall not extend across such extended property line.
  - (5) For non-dwelling uses, where there is an existing curb and gutter or sidewalks on the street or private road a safety island along the entire frontage of the property shall be provided, except. for the permitted driveways. On the two ends and street or private road side of each such island shall be constructed a concrete curb, the height location, and structural specifications of which shall be approved by the municipal engineer. Maximum and minimum curb return radii permitted and



minimum driveway approach angles to the center line of the street or private road are required as shown on Plate 1, attached to this Ordinance and made by this Ordinance as if fully described and detailed herein.

- (6) For non-dwelling uses, where there is not an existing curb and gutter or sidewalk, a curb, fence, or pipe rail not exceeding two feet or less than eight inches in height as shown on Plate 1, attached to this Ordinance shall be constructed along the entire length of the property line, except in front of the permitted driveways.
  - (7) No access to public highways shall be permitted within three hundred (300) feet of the intersection of said public street with interchange ramps.
  - (b) Location of Gasoline Pumps: Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25) feet from any lot line and shall be so located that vehicles stopped for service will not extend over the property line.
- 6.715 MIGRANT WORKER CAMP: As a special exception in districts where permitted, migrant worker camps shall be subject to the following safeguards:
- (a) All buildings shall be located not less than five hundred (500) feet from the property line.
  - (b) A plan of the camp showing the following:
    - (1) Location and use of each building.
    - (2) Plan for water supply.
    - (3) Plan for disposal and treatment of sewage.
    - (4) Location and use of buildings within one thousand (1,000) feet of the proposed camp.
  - (c) Evidence of compliance with all regulations of the Pennsylvania Department of Environmental Resources and Department of Labor and Industry regulating Migrant Labor Camps.
- 6.716 CEMETERIES, CREMATORIES, AND MAUSOLEUMS: Due consideration shall be given to compatibility with adjacent land uses, existing or proposed highways, and any elements or factors deemed to affect the public health, safety and welfare of the surrounding area, and a minimum setback may be required from any property line for any structure, grave or place of temporary or permanent burial, and such walls, fences, and/or planting of shrubbery, trees or vines may be required as may be reasonable and proper to afford adequate screening.
- 6.717 FLOOD PLAINS: For the purposes of this ordinance, the areas considered to be floodplain within the municipality shall be those areas identified as being subject to the one-hundred (100) year flood in the Flood Insurance Study and Floodplain Map prepared for the Municipality by the Federal Insurance Administration dated June 15, 1982. Any proposed development within the designated floodplain areas shall comply with the requirements set forth in the South Abington Township Floodplain Management Ordinance Number 76, of 1982 as amended.
- 6.718 MULTI-FAMILY DWELLINGS: The intent of this Section 6.718 is to permit multi-family dwelling while conserving undeveloped land with sensitive natural areas, active agricultural lands, land with potential for agriculture, historic or cultural elements, scenic views and other significant land features. These land features comprise the character of the Township which stimulated past development, and

continues to attract people to the Township. Without the careful consideration of the development process, many of these significant land features would be lost to the effects of conventional multi-family residential development. The development is designed to reduce the perceived intensity of development, preserve natural features and open land, and provide privacy and community identity.

Specific objectives are as follows:

- (a) To preserve open land, including those areas containing unique and sensitive natural features such as woodlands, farmland, steep slopes, natural drainage ways, streams, lakes, floodplain and wetlands by directing development to other areas of the project parcel.
- (b) To preserve scenic views and other physical elements of the Township's, and to minimize perceived density, by minimizing views of new development from existing roads.
- (c) To permit design flexibility and efficiency in the siting of dwellings, services and infrastructure by reducing site preparation requirements, road lengths, utility extensions, storm water management facilities, and other development considerations.
- (d) To reduce erosion and sedimentation by minimizing disturbance of existing vegetation and directing development away from steep slopes.
- (e) To reduce the volume of storm water runoff by minimizing the amount of impervious surfaces, and to facilitate storm water management by preserving natural drainage ways.
- (f) To encourage the preservation and improvement of wildlife habitat by maintaining large parcels of open land and minimizing the disturbance of existing vegetation.
- (g) To preserve the limited agricultural land in the Township by designation of the said lands as a primary conservation area to be maintained in large blocks.
- (h) To establish a mechanism for the continued preservation and maintenance of open land in the Township to achieve the purposes enumerated in this Section 6.718 and for active or passive recreational use by residents.

6.718.1 Procedure: Multi-family dwelling projects shall be considered major subdivisions and land developments subject to the Township Subdivision and Land Development Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made to the Township Planning Commission in the manner provided in the Subdivision Ordinance. The developer shall also submit all information required by said Ordinance in addition to the following additional information:

- (a) Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.

- (b) Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association.

6.718.2 Project Design Process: All multi-family dwelling projects shall be designed in accord with the process in this Section 6.718.2 of this Ordinance using the density factors in this Section 6.718.2. All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous. The design process included in this Section 6.718.2 is based on the approach detailed in the September 1994, Natural Lands Trust publication, *Designing Open Space Subdivisions, A Practical Step-by-Step Approach*.<sup>1</sup> Multi-family development plans will be reviewed by the Township using the publication as a guide and developers should review the publication prior to initiating the design process and preparing a conceptual plan.

- (a) Inventory and Analysis - A site inventory of land forms and natural, historic and scenic features, and a site analysis plan shall be prepared as the foundation of any development proposed in accord with this Section 6.718. The site analysis plan also serves as the base for the determination of the location and size of areas to be developed, and conservation areas, those areas to remain undeveloped. The plan shall identify Primary Conservation Areas and all potential Secondary Conservation Areas. The final determination and designation of Secondary Conservation Areas shall be made by the Township as part of the project review and conditional use process.

In addition, the following site elements shall be inventoried and mapped in sufficient detail to allow evaluation of the site analysis plan by the Township relative to the intent of this Section 6.718.

- (1) Physical Resources - Identification of the natural resources of the tract including geology, topography, soils, hydrology and vegetation. The features shall be mapped at a scale adequate to show the required detail, and shall be described in a brief narrative, and shall include the following:
- a. Topographic contours at minimum intervals of five (5) feet, showing rock outcrops and slopes of more than fifteen (15) percent.
  - b. Soil types and a table identifying soil characteristics relating to agricultural capability, seasonal high water table, depth to bedrock, and suitability for land application of sewage effluent and for on-lot sewage disposal systems. Soil information shall be taken from the Lackawanna County Soil Survey published by the U.S. Department of Agriculture.
  - c. Hydrologic characteristics of the tract, including streams, lakes and ponds, floodplain and hydric soils.
  - d. Vegetation of the tract, showing location and boundaries of agricultural land, woodlands, and other areas in terms of vegetation associations, species and size.
- (2) Land Use - Existing land use and land cover (paved areas, cultivated areas, pastures, etc.), all buildings and structures on the tract, and all encumbrances on the tract such as easements or covenants.
- (3) Visual Resources - Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract.

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<sup>1</sup>Arendt, Randall, MRTPI, Natural Lands Trust, Inc., Media, PA, September 1994.

- (4) Cultural and Historic Resources - The location of historic resources on the tract, including buildings and other structures, stone walls, cemeteries, burial grounds, cellar holes, well, etc.
- (5) Area Context - General locations of buildings, land use, and natural features such as water bodies, wooded areas, ridge lines, and agricultural land, roads, property lines, public and conservancy lands, and other open land easement areas, within five-hundred (500) feet of the tract. This information may be shown on an aerial photograph or a suitable map at a scale no smaller than one (1) inch equals four-hundred (400) feet.
- (6) Conservation Areas - The following conservation areas shall be clearly identified on the site analysis plan:
  - a. Primary Conservation Areas shall include:  
(Development on primary conservation areas shall be prohibited - see Section 6.718.3,D)
    - 1) Wetlands
    - 2) Land within the 100 year floodplain
    - 3) Land with a slope of more than twenty-five (25) percent
    - 4) Land within fifty (50) feet of any pond, lake or stream
  - b. Secondary Conservation Areas shall include:  
(Development on secondary conservation areas shall be minimized - see Section 6.718.3,D)
    - 1) Aquifer recharge areas
    - 2) Areas with highly permeable soil
    - 3) Land within twenty-five (25) feet of wetlands
    - 4) Natural drainage ways
    - 5) Major rock outcroppings and other unusual geologic features
    - 6) Agricultural land and areas with prime agricultural soils as identified by the U.S. Department of Agriculture
    - 7) Historic resources
    - 8) Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract
- (b) Useable Land Area - Determination of Base Dwelling Unit Density -The base dwelling unit density shall be determined by deducting the following areas from the total size of the tract and applying the appropriate density as set forth in Table 6.718.
  - (1) Land within public rights-of-way.
  - (2) Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide).
  - (3) Seventy (70) percent of wetland areas.
  - (4) Land within the 100-year floodplain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
  - (5) Land with a slope of more than twenty-five (25) percent.
  - (6) Any pond or lake more than one (1) acre in size.

- (7) Land contained within the boundaries of easements for overhead electricity, telephone, or cable television service.
  - (8) Storm water detention basins as defined by metes and bounds. Underground storm water detention facilities which do not restrict the use of the land surface for open land need not be deducted.
- (c) Conceptual Sketch Plan -- Conditional Use Application - Following the determination of the number of residential units permitted, the developer shall submit to the Township a conceptual sketch plan. The application shall be considered the conditional use application for the project. The purpose of the plan is to determine the overall design of the development including the location of dwellings, street patterns, Primary and Secondary Conservation Areas, and Conservation Area trail linkages. The conceptual plan shall be developed by the following three-step process, as demonstrated to the Township by the developer, and incorporating the design standards contained in this Section 6.718:
- (1) Mapping of Primary and Secondary Conservation Areas to identify all potential open land areas
  - (2) Locating dwelling sites
  - (3) Laying out streets and footpaths/trails with connections
- (d) Conceptual Sketch Plan/Conditional Use Review Process - Upon receipt of a complete application, the Planning Commission shall notify the Township Board of Supervisors of the same. The Planning Commission shall schedule a joint meeting with the developer and the Board of Supervisors to review the sketch plan. Subsequent to, or as part of the said meeting, the Planning Commission and Board of Supervisors shall conduct an inspection of the tract. A joint public hearing shall be conducted by the Planning Commission and Board of Supervisors, in accord with the notice requirements of the PA Municipalities Planning Code. Upon completion of its review, the Planning Commission shall make its recommendation for action on the proposal to the Board of Supervisors, who shall approve, approve with conditions, or reject the conceptual sketch plan, which shall constitute action on the conditional use application. (NOTE: The construction of dwelling units and other buildings in any project approved in accord with this Section 6.718 shall require a zoning permit prior to construction; however, a conditional use permit shall not be required.)

If approved by the Township, the conceptual sketch plan shall serve as the foundation for the preliminary subdivision/land development plan and the applicant shall not be authorized to make application for subdivision/land development approval until conceptual sketch plan/conditional use approval has been granted. The preliminary subdivision/land development plan shall conform to the conceptual sketch plan in terms of open land areas, number of dwelling units, building locations, street design and other improvements, unless a change is approved by the Township.

- (e) Subdivision/Land Development Plan - Following Township approval of the conceptual sketch plan (conditional use), the developer shall be authorized to submit a preliminary subdivision/land development plan in accord with the requirements of the Township Subdivision and Land Development Ordinance. In addition to the information required by the Subdivision and Land Development Ordinance, the conceptual plan information shall be included on the preliminary and final subdivision/land development plans. The time period for Township review and action on the subdivision/land development plan shall not begin until such time as a complete application is submitted in accord with the Township Subdivision and Land Development Ordinance.

### 6.718.3 Open Land Standards

- (a) Percentage of Open Land - Not less than fifty (50) percent of the parcel proposed for development shall be dedicated as common open land. The percentage shall be calculated after deducting the

following areas from the total parcel size.

- (1) Land within public rights-of-way.
- (2) Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide).
- (3) Seventy (70) percent of wetland areas.
- (4) Land within the 100-year floodplain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
- (5) Table

<b>Deductions for Slope of Land</b>		
	<b>Percentage Slope</b>	<b>Deduct</b>
Land with a slope between	0 - 25%, deduct	No Deduction of area
Land with a slope between	26% - 35%, deduct	30% of area
Land with a slope between	36% - 50%, deduct	50% of area
Land with a slope of more than	50%	100% of area

- (6) Any pond or lake more than one (1) acre in size.
  - (7) Land contained within the boundaries of easements for overhead electricity, telephone, or cable television service.
  - (8) Storm water detention basins as defined by mete and bounds.
  - (9) All impervious surfaces including but not limited to buildings, roads, sidewalks, etc.
- (b) General Criteria- Sixty (60%) percent of all net useable land area must be less than twenty-five (25%) percent slope. Net useable land area is that land left after applying the nine (9) named deductions hereinabove referred to in this Section.
- (c) Composition of Open Land Area - The reserved open land shall be contiguous with the project parcel and shall be comprised of not more than a combined total of fifty (50) percent wetlands, 100-year floodplain, or land with a slope of more than twenty-five (25) percent. The open land shall be accessible to the residents of the development, and such access shall be preserved in perpetuity.
- (d) Uses Permitted on Open Lands - The following uses shall be permitted in open land areas:
- (1) Conservation of open land in its natural, unaltered state.
  - (2) Recreation areas for the exclusive use of the residents of the dwelling units in the project, including, but not limited to, trails, play fields picnic areas, garden, lawns and other pervious.
  - (3) Easements for drainage, access, sewer or water lines, utilities or other essential services.
  - (4) Storm water management facilities (other than detention basins) for the proposed development, or for a larger area if required for compliance with the requirements of other Township ordinances.

- (5) Above ground utility and road rights-of-way, except that the land area of the same shall not count toward the minimum open land requirement.
- (d) Open Land Design Standards - The Township, in considering a proposed development and determining compliance with the intent and standards of this Section 6.718, shall evaluate the layout of dwellings and open land in accord with the design standards contained in this Subsection D. Diversity and originality in dwelling and neighborhood design, and open land designation and interconnection shall be encouraged to achieve the optimum relationship between developed and conservation areas. The final determination of the design of the development and those site features which are most significant shall be made by the Board of Supervisors.
- (1) The development shall be designed around the primary and secondary conservation areas and to otherwise protect the significant site features identified in the site inventory and designated by the Township..
- (2) Development on primary conservation areas shall be prohibited and any soil disturbance or vegetation cutting in primary conservation areas shall be avoided. If any disturbance is required, the developer shall provide documentation of compliance with any applicable regulations governing the same and shall show how any potential adverse effects will be mitigated.
- (3) Development, soil disturbance, and vegetation cutting on secondary conservation areas shall be absolutely minimized. If any development or disturbance on secondary conservation areas is proposed the developer shall demonstrate why the said development or disturbance is necessary to the overall development plan, and show how the same will be mitigated.
- (4) Open land areas shall, to the greatest extent possible, be in large, continuous, undivided parcels coherently configured to relate to neighborhood areas of the development.
- (5) The potential for interconnection of open land on adjoining tracts shall be considered as part of the layout of open land and design dwelling areas.
- (6) Reasonable access to open land shall be provided for all neighborhood areas and a safe and convenient pedestrian circulation system shall be provided to connect neighborhoods with open land in the development.
- (7) The preservation of any identified historic resources shall be incorporated into the design of the development.
- (8) Any proposed active recreation areas shall be suitably located for convenient access by residents of the development.

6.718.4 Neighborhood Design Standards: The purpose of the neighborhood design standards in this Section 6.718.4 is to create compact groupings of dwellings located to blend with the existing landscape, such as the rise and fall of the topography of the site, hedgerows, agricultural land and woodland, and preserve to a greater extent the visual character of the landscape; thereby maximizing the preservation of open land and the overall character of the community. The following general standards shall be applied to all neighborhoods proposed as part of the development:

- (a) Neighborhoods shall not be located on primary conservation areas and shall be prohibited on any secondary conservation areas designated by the Township as significant conservation areas.
- (b) Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and

lot configuration rather than malleable elements that can be changed to meet a particular, preferred development design.

- (c) Views of neighborhoods from exterior roads shall be minimized by the use of topography, existing vegetation, new landscaping or other design elements.
- (d) The orientation of individual building sites shall maximize the maintenance of existing topography and vegetative cover.
- (e) Streets shall be designed to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize cut and fill; and, to preserve and enhance views and vistas on or off the project parcel
- (f) The preservation of any identified historic resources shall be incorporated into the design of neighborhoods.
- (g) All dwellings in a neighborhood shall have access from only an interior development road and not from any road exterior to the project parcel.

6.718.5 Design Criteria: The standards in Table 6.718.5 and the following additional design criteria shall apply to multi-family dwelling projects:

- (a) Setbacks - No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within ten (10) feet of any parking area. A setback of thirty (30) feet for any structure shall be maintained from all existing or proposed public or private road rights-of-way and twenty (20) feet from the boundary line of the entire project parcel. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums, however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five (5) feet.
- (b) Road Standards - Access roads through the development shall comply with the street requirements of the Township Subdivision Ordinance for minor roads. Access drives serving twelve (12) units or less shall be considered driveways and need not meet minor road standards. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private.
- (c) Building Separation - All principal multi-family structures shall be separated by a distance as may be required by any applicable building code and other sections of this Ordinance, but in no case less than thirty (30) feet.
- (d) Landscaped Buffers - Landscaped buffers, not less than fifteen (15) feet in width shall be provided where multi-family structures adjoin existing one-family dwellings, two-family dwellings or any R-1 District. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township. (See Section 6.708.)
- (e) Pedestrian Access - Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Township Subdivision Ordinance.



<b>TABLE 6.718.5 MULTI-FAMILY DWELLING STANDARDS</b>			
PROJECT STANDARDS	Townhouses [1]	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	2	2	2
Density -- minimum square feet of useable land area per dwelling unit (useable land area: see Section 6.718.2, B)	6,000	6,000	6,000
Maximum number of dwelling units per building	6	12	24
Maximum building height (stories -- feet)	2.5 -- 35	2.5 -- 35	2.5 -- 35
ADDITIONAL STANDARDS FOR TOWNHOUSES PROPOSED FOR SALE			
Minimum lot size for townhouse units . . . . .	640 square feet		
Minimum lot width at house location . . . . .	20 feet		
Note 1: The standards for townhouses shall also apply to two-family dwellings in a multi-family dwelling project.			

- (f) Trash Storage - Adequate containers for the temporary storage of trash shall be provided. Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
- (g) Architectural Renderings - Preliminary architectural renderings, models or photos for multi-family dwelling projects of more than ten (10) dwelling units shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
- (h) Townhouses: Facade Changes - A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages. The Board of Supervisors may, as part of the conditional use process and for good cause shown by the applicant, permit the reduction of the offset to not less than two (2) feet.
- (i) Parking - Parking for multi-family dwelling projects shall comply with Section 6.500 of this Ordinance.

6.718.4 Non-Residential Use: Non-residential uses and home occupations which employ other than unit residents shall not be permitted in a multi-family dwelling. All home occupations shall comply with the other applicable standards of this Ordinance. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the use of the residents of the project shall be permitted.

6.718.5 Conversions of Existing Structures: Conversions of any existing structures to multi-family dwelling use, regardless of whether such conversions involve structural alteration, shall be subject to the provisions of this Section 6.718 and all other applicable Township ordinances, including but not limited, to density requirements.

- 6.718.6 Common Property Ownership and Maintenance: In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.
- 6.718.7 Water Supply and Sewage Disposal: All multi-family dwelling projects shall be served by a public water supply and a public sewage disposal system.
- 6.719 PERFORMANCE STANDARDS: All proposed uses shall provide documentation to the satisfaction of the Zoning Officer, that the proposed use will be in conformance with the performance standards listed herein. In the case of a structure being built for future lease, in whole or in part, the Zoning Officer shall waive this documentation for purposes of issuing a building permit, if all other applicable requirements are met, but shall not issue a certificate of zoning ordinance compliance until such time as all requirements, with respect to a particular occupant and/or use, are met. In the event any use fails to meet the performance standards after a certificate of zoning ordinance compliance is issued, the Zoning Officer may, after proper notice, require that the use be terminated within sixty (66) days, unless the use can be corrected to satisfactorily meet the performance standards listed below:
- (a) Smoke, Dust, Dirt and Fly Ash: Shall not exceed the limits set by State and Local Air Pollution Codes.
  - (b) Odor: The emission of obnoxious odors of any kind shall not be permitted.
  - (c) Gases: No gas shall be emitted which is deleterious to the public health or safety.
  - (d) Glare: Arch welding, acetylene torch cutting or similar processes that produce glare shall be performed within an enclosed building or shall be screened from view from any point beyond the property line.
  - (e) Vibration: No use shall cause earth vibrations or concussions detectable beyond its property lines, without the aid of instruments, with the exception of that vibration produced as a result of construction activity.
  - (f) Fire and Safety Hazard: The storage of crude oil or any of its volatile products or other highly inflammable liquids in above-ground tanks shall be in accordance with Local and State regulations. The permitted manufacture or storage of explosive or poisonous gases shall be in accordance with Local and State regulations.  
  
The storage, baling or treatment of rags, wastes, scrap paper or similar materials shall be in an enclosed masonry building, no part of which may be located closer than fifty (50) feet from any property line.
  - (g) Sewage Waste: Liquid wastes and effluents shall be discharged into an approved existing sewage treatment plant in accordance with the regulations of that system or shall be treated in a treatment plant operated by the permitted use which is in compliance with applicable State and Local requirements.
  - (h) Open Storage:
    - (1) Other than junk and/or scrap and auto wrecking yards, all open storage shall be located within

an area not closer than fifty (50) feet from any street right-of-way line and shall be enclosed with a greenbelt planting strip, or other approved screening, not less than eight (8) feet in width, and not less than (8) feet in height, to normally screen view of stock piles. The storage of lumber, coal or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced and maintained from the street into the property to permit free access of fire trucks at any time.

- (2) Junk and/or scrap and auto wrecking yards shall be permitted only when enclosed within a fence not less than six (6) feet in height, not less than fifty (50) feet from any street or right-of-way line, and fronted with an evergreen planting, strip to attain not less than eight (8) feet in height to screen yard from outside view.
- (i) Noise: At no point on or beyond the boundary of any lot shall the sound pressure level resulting from any use or activity, whether open or enclosed, (except noise not directly under control of the property user, no noises resulting from the construction and maintenance of buildings and facilities including site preparation, and the noises of safety signals, warning devices, railroads, the automobile traffic) exceed the minimum permitted decibel levels for the designated octave band as set forth below;

Octave Band, Frequency in Cycles per Second	Sound Pressure Level in Decibels
0 - 74	73
75 - 149	68
150 - 299	60
300 - 599	53
600 - 1,199	47
1,200 - 2,399	41
2,400 - 4,799	35
4,800 and over	33

- (j) Topography: The topography of any parcel shall remain substantially unaltered by development of any type unless same is approved by the Planning Commission and further approved by the Commission Engineer and in those cases where it has jurisdiction, by the Pennsylvania Department of Environmental Resources.

6.720 GROUP HOME AND RESIDENT FACILITIES FOR MENTALLY RETARDED: Group Homes and Resident Facilities for the mentally retarded shall comply with the following in addition to the other relevant regulations contained herein:

- (a) Such facilities shall be licensed by appropriate state and/or local licensing agencies in order to obtain zoning approval.
- (b) In order to prevent the establishment of a de facto social service district in any neighborhood, not more than one (1) such facility may be permitted on a block face nor shall any such facility be permitted to be established within less than five hundred (500) feet of another such facility.

It is noted that “Foster Homes” are considered to be permitted “Home occupation” uses as per Article 6.702.

6.721 USES FRONTING ON ARTERIAL STREETS OR ABUTTING HIGHWAY INTERCHANGES:  
Proposed uses fronting on Arterial Streets, located in the vicinity of a grade separated highway interchange, shall be subject to the following regulations:

- (a) Setback: All structures fronting on Arterial Streets or on an Approach Highway leading to a grade separated highway interchange shall be setback not less than 120 feet from the right-of-way line of such street or highway.
- (b) Driveway Access Points: All structures fronting on Arterial Streets or on Approach Highways which lead to a grade separated interchange shall be limited to no more than two driveway access points, except that properties which are less than 200 feet wide shall be limited to only one driveway access point. Such driveway access points shall be designed in a manner which will minimize their interference with any through traffic on the Arterial Street or the Approach Highway. Such driveway access points shall not exceed 25 feet in width at any such point.
- (c) Interchange Ramp Protection: Individual driveway access points and intersection roads on any Approach Highway are prohibited for a distance of 1,000 feet from the end of any interchange ramp which intersects with the Approach Highway.
- (d) Service Roads: The Zoning Hearing Board may require, upon the recommendations of the Commission, the provision of service roads, marginal access roads, rear street alleys, reverse frontage lots or such other treatment which will provide protection for abutting properties, or reduce the number of intersections and separate local and through traffic along any Arterial Street or Approach Highway. Where an Arterial Street or an Approach Highway pass through a developed section of the municipality, the Board may determine that the existing conditions in the area and the character of existing development render it impractical for the above regulations to be complied with. In such cases, the Board may make a minimum reduction to these requirements only to the extent necessary required by existing conditions, and in keeping within the intent and objectives of this section.

6.722 STRIP MINING AND EXCAVATION OPERATIONS:

- (a) Location Where Permitted: Strip mining and excavating operations shall be considered a temporary use of land and may be permitted as a Conditional Use in the S-1 District, Such strip mining operations shall be permitted only for limited periods of times as specified below, subject to appropriate conditions and safeguards.
- (b) Restrictions: All strip mining and excavation operations shall be subject to the following restrictions:
  - (1) Backfilling: The grading, backfilling and replacement of all overburden material in a manner which will restore the premises to the same or more suitable and usable grade as existed on the original site is required.
  - (2) Fencing: The municipality may require that all or portions of striping or excavating operations be enclosed with a fence to ensure the general welfare and public safety.
  - (3) Operation Schedule: Strip mining and excavating operations including drilling and blasting, shall not be carried out on Sunday, and shall not be operated earlier than 7:00 A.M. nor later than 10:00 P.M. during the remainder of the week.
  - (4) Drainage: All such excavations and backfilling operations must be adequately drained to prevent the formation of pools of water.

- (5) Slopes: The side walls of any excavations which are not completely backfilled shall not have a slope steeper than one foot or vertical distance for each two feet of horizontal distance.
- (6) Compliance with State Requirements: No permit issued under the provisions of this Ordinance shall become effective until any required license or permit required from the Commonwealth of Pennsylvania be secured.
- (c) Zoning Permits for Strip Mining or Excavation Operations: The Municipality may authorize the Zoning Official to issue a Zoning Permit for a strip mining or excavation operation covering an area not to exceed ten acres. Such a permit shall be valid for a period of one year, unless renewed by the municipality. The following procedure shall be followed:
  - (1) Application to Zoning Inspector: Any applicant for a strip mining or excavation operation shall submit five copies of an application to the Zoning Official for a Zoning Permit for a Conditional Use on a form supplied by the Zoning Officer. Such applications shall include the following:
    - (a) A letter of intent describing the area to be stripped and the manner or method of operating, including proposed hours of work, and the proposed plan for backfilling.
    - (b) Two maps or prints of the area to be stripped prepared by the applicant's engineer and approved by his attorney.
    - (c) A Certificate of the applicant's general liability insurance.
    - (d) A copy of the applicant's State stripmining permits or the number of such permit if applicant is a sub-contractor.
    - (e) A copy of the lease or permit from the owner or owners of the surface and coal.
    - (f) A statement that a bond, payable to the Municipality, shall be provided in an amount equal to \$7,500 per acre, which will insure replacement of the overburden material and the backfilling or grading of that area to be stripped or excavated.
    - (g) A proposed backfilling agreement to be executed by the applicant insuring the grading, backfilling and leveling of the area to be mined or excavated.
  - (2) Review of Application: The Zoning Official will review the application and submit copies to the municipality and the Planning Commission. Within 30 days of the receipt of the application the Planning Commission shall transmit its recommendations to the Municipality. Such recommendations shall include any conditions and safeguards deemed necessary to insure the public health, safety and general welfare. The Municipality shall meet and review the recommendations and findings of the Planning Commission, and shall order the Zoning Official to refuse the permit or to issue the permit subject to the execution of a backfilling agreement and bond and to any other conditions deemed necessary by the Municipality to insure the public health, safety and general welfare.
  - (3) Failure to Comply: If any permittee hereunder fails or refuses to comply with the agreement to backfill and level the area stripped, or with the reasonable orders of the Engineer, the municipality shall proceed to sue on the bond submitted and collect the amount of liability on such bond.
  - (4) Existing Permits: Any and all strip-mining and excavation permits presently in effect at the date

of adoption of this Ordinance shall be terminated within six months of such date, and be thereafter invalid. Any present permittee may apply for renewal and reissue of his permit, in accordance with this Ordinance.

- 6.723 WIND ENERGY CONVERSION SYSTEMS (WECS) REGULATIONS: WECS shall be permitted only as a Special Exception pursuant to Article 4.303 of this Zoning Ordinance.

The purpose of these WECS regulations, as herein set forth, is to provide sound environmental practices through the strict control of all WECS operations in the Municipality.

The intent of these regulations are to:

- (1) Recognize that WECS are an important contribution to renewable energy production.
- (2) Recognize and ensure the rights of those concerned to use wind energy as an alternative energy source.
- (3) Recognize and ensure the rights of those concerned with the use and development of the surface of the land.
- (4) Ensure that said wind-energy resource land uses are compatible with the total environment of the community.
- (5) Protect the public from WECS that are structurally unsafe, that emit excessive noise, and that can be hazardous to citizens.
- (6) Ensure aesthetic comparability with adjoining uses.

Application Requirement for the Permitted Use Permit: Persons or firms desiring to install any WECS with or without accessory equipment or structures, shall file a written application with the Planning Commission. The written application shall contain the following information:

- (1) Plot Plan: A plot plan, to scale, shall be submitted and shall include the following information:
  - (a) A certified boundary survey of the property upon which the WECS is to be installed.
  - (b) Existing and proposed structures including height and location.
  - (c) Location and dimension of proposed parking areas and roads and other site improvements, where applicable.
  - (d) Existing and proposed grading and removal or placement of natural vegetation.
  - (e) Location of all existing and proposed electrical lines.
  - (f) Location of appropriate easements.
  - (g) Location of electrical, telephone and cable lines to principal structure and water and sewer mains, where applicable.
- (2) WECS Characteristics and Performance Data:

- (a) A photograph, illustration or artist's conception of the proposed WECS, including the tower and accessory structures.
- (b) Structural Specifications:
  - (1) Height, type and material of the structure including the generator unit and related devices.
  - (2) Type, size, and blade material of the proposed WECS.
  - (3) Specific information on the safety, noise, and performance of the wind turbine and tower.
- (3) Installation Schedule: A written statement of the installation schedule shall be submitted with the Plot Plan.
- (4) Certification of Structure: Prior to the issuance of a building permit, the applicant shall submit in writing, certification by a registered, qualified engineer that the foundation, the tower, and the mechanical system, including the rotor, conform and comply with all appropriate Codes of the Municipality.

Development, Performance and Safety Standards:

- (1) The distance from all lot lines to any tower support base of the WECS shall be determined according to the following WECS setback table but said distances shall in no event be less than the height of the tower. Intermediate rotor size distances shall be interpolated. The Board may grant a reduction in the specific setback table distance when it finds that such reduction shall not adversely affect surrounding property and is consistent with promotion of the public health, safety and general welfare.

Rotor Diameter in feet	Setback Distance
5	100
10	165
15	220
20	270
25	310
30	340
35	365
40	385

- (2) The distance from any tower support base of one WECS to any tower support base of another WECS under other ownership shall be a minimum of five (5) rotor distances figured by the size of the largest rotor. The Board may also grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of either WECS.
- (3) The WECS operation shall not cause interference to the radio and television reception on adjoining property.
- (4) A fence six (6) feet high with a locking portal shall be placed around the WESC tower base or the

- tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground.
- (5) Data pertaining to the machine's safety and stability shall also be filed with the permit application. Such data shall include safety results available from tests conducted by a recognized Testing Facility or equivalent information as determined by the Building Official.
  - (6) The WECS, if connected to a utility system, shall meet the "tie-in" requirements as developed by the Pennsylvania Power and Light (PP&L) company.
  - (7) All electrical distribution lines shall be located underground.
  - (8) The WECS tower shall be located not less than the height of the tower from adjacent residences or from any commercial place of human habitation or assembly even though located on the WECS applicant's property.
  - (9) Any devices for the storage of electrical energy, back-up generation or otherwise connected to any wind energy conversion device shall be approved in conjunction with the Special Exception permit for such wind energy conversion device.
  - (10) Noise levels shall not exceed those shown in Article 6.719 of this Ordinance.
  - (11) The WECS applicant shall submit all required Federal Aviation Administration (FAA) clearances prior to being issued any building permit.
  - (12) When a permit shall have been issued, the same shall terminate and become inoperative unless within one year from the date of issue, construction of the WECS shall have commenced.
  - (13) The decommission of any WECS shall include the removal of the entire system pursuant to local regulations governing demolition, and shall also include the restoration of the site to pre-WECS contours as well as the re-vegetation of the site.

6.724 RESTRICTIONS AND REQUIREMENTS FOR AMUSEMENT GAMES AND RELATED MACHINES: Amusement game machines or other amusement machines shall be allowed upon approval by the Zoning Hearing Board under a Special Exception procedure and subject further to any special legislation governing same. The Board shall determine or designate the Building Inspector to determine, based on plans to be submitted by the applicant, that there is sufficient space for such machines to prevent overcrowding of users or interference with pedestrian circulation on the rest of the premises; that traffic circulation and parking can be adequately accommodated; and that there is no undue concentration of such complexes or adverse effects on young persons utilizing schools and churches.

- (1) Amusement machine complexes shall be located within legal commercial enterprises only.
- (2) The complex shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from such other uses. The room shall be arranged so that there is a management attendant within the room, or such that management attendants outside the room can easily see and supervise the interior of the room.
- (3) Adequate space shall be provided for each machine so as to allow its use without overcrowding. A minimum of width of 2 feet shall be provided per machine where the machine is designed for use by one player, and 3 ½ feet where the machine is designed for use by two players. The depth of the space in front of the machine shall be at least 5 feet, and there shall be a minimum aisle width beyond



this 5 feet of an additional 3 feet. Fire Prevention Code requirements shall also apply.

- (4) Off-street parking in addition to that otherwise required for the uses on the premises shall be provided in the amount of one space per two amusement game machines.
- (5) Readily visible signs shall be installed, with their location, size and text shown in the plans submitted to the Planning Commission, indicating that the use of machines by persons under 16 years of age shall not be permitted during normal school hours, and, where the premises are used primarily for the serving or consumption of liquor, that the use of amusement machines by persons under the age of 19 is prohibited at all times.

6.725 SATELLITE EARTH STATIONS: Satellite Earth Stations, as defined in Section 2.200, shall be permitted only as an Accessory Use pursuant to Article 4.302 of this Zoning ordinance and shall also comply with the following supplemental regulations:

- (1) No satellite earth station shall have a diameter greater than twelve (12) feet.
- (2) No satellite earth station shall be located within the front yard or in any required side or rear yard of a lot.
- (3) When the satellite earth station is detached from the principal structure, its maximum height may not exceed fifteen (15) feet.
- (4) When the satellite earth station is roof-mounted it shall not exceed ten (10) feet in diameter, it must conform to the zoning district height limitation and its installation must be checked for safety by a registered engineer or architect. Installation and construction must also comply with the municipal building code.
- (5) All satellite earth stations shall be totally screened from view at ground level from any adjacent lot(s) or street(s). The screens may consist of plant materials, structures, or earth berms, that are effective year round.

6.726 DAY CARE CENTERS, PRIVATE NURSERIES AND KINDERGARTENS: Day care centers, private nurseries and kindergartens shall be permitted as a special exception (see Article 4.203) in any district subject to the regulations of that zoning district and the following additional standards:

- (1) Definitions:

Day Care Center: a facility in which care is provided for seven (7) or more children, at any one time, where the child care areas are not being used as a family residence. A child is a person under 16 years of age.

The day care facility must hold an approved Pennsylvania Department of Public Welfare registration certificate or license, as appropriate, and meet all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes. All day care facilities shall be fully protected by smoke detectors and fire extinguishers.

Private Nursery and Kindergarten: A private nursery school or kindergarten exists when five (5) or more children from three through six years of age are gathered regularly for the purpose of developing intellectual, emotional, physical and social skills, and the operator possesses a valid license issued by the Pennsylvania Department of Education's State Board of Private Academic Schools.

- (2) Parking: There shall be one off-street parking space provided for each employee and one safe passenger unloading space measuring 10 feet by 20 feet for each six children that the facility is licensed to accommodate.
- (3) Off-Premises Play Area: When an off-premises outdoor play area is utilized, it must be located within 1,000 feet and safely accessible without crossing at grade any arterial street or other hazardous area.
- (4) Fence: The outdoor play area required by state licensing shall be surrounded by a safety fence or natural barrier.
- (5) Play Area Setback: No portion of the outside play area shall be less than fifty (50) feet from an existing occupied dwelling without the owner's written consent:

Alternate: Play Area Setback. No portion of the outside play area shall be less than one-hundred (100) feet from an existing occupied dwelling.

- (6) Hours: Outside play shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
- (7) Signs: Any sign shall comply with regulations applicable to schools, churches or similar uses. See Section 6.600.
- (8) Concentration: No day care center shall be established within five hundred (500) feet from another day care center or private nursery or kindergarten.
- (9) Inspections: Municipal officials reserve the right to make periodic inspections to ensure continued compliance with all state and municipal requirements.

6.727 FAMILY DAY CARE HOMES: Family Day Care Homes shall be permitted as an accessory use (home occupation) in any residential district subject to the standards in that particular district for a single family residence and the following additional safeguards:

(1) Definition

Family Day Care Home: any premise other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time to four, five or six children, who are not relatives of the care giver.

The day care facility must hold an approved Pennsylvania Department of Public Welfare registration certificate or license, as appropriate, and meet all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local buildings and fire safety codes. All day care facilities shall be fully protected by smoke detectors and fire extinguishers.

- (2) Parking: In addition to the particular districts parking requirements, there shall be one additional off-street parking space provided for each nonresident employee and one safe passenger unloading space measuring at least ten feet by twenty feet.
- (3) Fencing: The requisite outdoor play area shall be surrounded by a safety fence or natural barrier.
- (4) Hours: Outside play shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

## 6.728 TEMPORARY STRUCTURE OR USE

- (a) Construction Vehicle Parking and Temporary Offices. See trailer court, trailers and mobile homes, temporary permits in Section 6.706.
- (b) Tents or Other Temporary Structures. The -following are permitted by right accessory uses: tents or other temporary structures erected for a use during a maximum of six (6) days in any calendar year for a routine and customary accessory use to an existing commercial use.
- (c) Temporary Uses by Special Exception. For temporary structures or uses that are not specifically permitted by right by this Ordinance, and other than customary accessory uses and other than those uses that were lawfully occurring on a periodic basis on the premises prior to the adoption of this Ordinance, (as demonstrated by landowner to the satisfaction of the appropriate municipal officer and/or Board) temporary permit may be issued by the Zoning Hearing Board as a special exception for structures or uses that would not otherwise be permitted, subject to the following additional provisions:
  - (1) Duration. The Zoning Hearing Board shall establish a limit on the duration of the use. In the case of a special event, except under special circumstances, this should be a maximum of seven (7) days in any sixty (60) day period. The Zoning Hearing Board may grant a single approval once for numerous occurrences of an event.
  - (2) Statement from Owner. The applicant shall present a statement- from the owner of record of the land accepting responsibility to ensure that the use or structure is removed once the permit expires.
  - (3) Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township. If the structure or use is not removed in a timely fashion after notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
  - (4) Conditions. The temporary use or structure shall: (i) be compatible with adjacent, uses and (ii) clearly be of a temporary nature.
  - (5) Fee. Either the Zoning Hearing Board or the Zoning Officer may waive and/or return the required application fee if the applicant is an Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
  - (6) Nonprofit. Only a well established and Internal Revenue Service recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a commercial use in a district where that use is not permitted.
  - (7) Special Events. For a special event that will attract significant numbers of the public, the Zoning Hearing Board may deny the use if it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety,
- (d) Application for Permit. All persons, partnerships and corporations under subsection (c) hereof, or otherwise, shall make and transmit an application therefor which shall contain the following:

- (1) Name of applicant, its legal structure and the ownership thereof;
  - (2) Its permanent and local address;
  - (3) The person, partnership or corporation he represents, and his or its main office, address and telephone number;
  - (4) Other Information: A statement indicating whether the applicant or other owner of the temporary retail business or employees have previously been convicted of a felony; including all other information required, including, but not limited to, Social Security Number, Employer Identification Number, Driver's License Number and Date of Birth of applicant and employees.
  - (5) A description of the goods, wares and merchandise involved;
  - (6) The length of time for which the license is desired;
  - (7) A description, including the license number, of any vehicles to be used in connection with the proposed activities;
  - (8) The number of other individuals involved as employees, helpers or otherwise in the proposed activities;
  - (9) A statement that the applicant has no previous criminal record;
  - (10) Pennsylvania Sales Tax Number;
  - (11) If the activity occurs on any highway, road or street under the jurisdiction of the Pennsylvania Department of Transportation, a copy of the Highway Occupancy Permit;
  - (12) A certification that no electric service, water or sewer lines or facilities are used on the facilities. If all or part of such systems are to be used, detailed plans must be submitted and the applicant shall pay reasonable review and engineering fees;
  - (13) A detailed plan of any temporary structure (including any tent), intended to be used. Licensee shall be responsible for reasonable and necessary expenses of the Township appointed Engineer or other authorized officer for reviewing same.
  - (14) Submit a drawing or plan for all parking lots, spaces, access there-to, loading and unloading areas.
- (e) Duty to Exhibit Permits. Applicant, permittee and all persons connected with the proposed activities, as employees, helpers or otherwise shall submit all information required by this Section from time to time by request of the Zoning Officer or Township Police Officer, and exhibit any permits granted hereunder or otherwise required by the laws and statutes of the Commonwealth..
- (f) Additional Requirements. Nothing contained in this Ordinance shall be construed to relieve any person, partnership or corporation from the duty of taking out a license or from the payment of any license tax imposed by any other statute of this Commonwealth or complying with any other Ordinance of the Township.

6.729 COMMERCIAL COMMUNICATION DEVICES (See Section 6.725 for earth satellite stations.) The following regulations shall apply to commercial communication devices (CCD) including but not

limited to, cellular phone antennae, antennae for communication service regulated by the PA Public Utility Commission, other commercial antennae and associated facilities. Such CCD and associated facilities shall be permitted only in the districts as provided on Table 1 Basic Regulations Governing the Use of Land in Article 4 of this Ordinance.

6.729.1 Purposes

- (a) To accommodate the need for communication devices while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- (b) To minimize the adverse visual effects of communication devices and support structures through proper design, siting and vegetative screening.
- (c) To avoid potential damage to adjacent properties from communication device support structure failure and falling ice, through engineering and proper siting of support structures.
- (d) To encourage the joint use of any commercial communication device support structures and to reduce the number of such structures needed in the future.

6.729.2 Use Regulations: A permit shall be required for every CCD and support structure installed at any location and the following use regulations shall apply:

- (a) Existing Tall Structures - A CCD site with a CCD that is attached to an existing communications tower, smoke stack, water tower, or other tall structure where the height of the CCD does not exceed the height of the existing structure by more than fifteen (15) feet shall be permitted in the C-1, M-1, and S-1 Districts as an accessory use and conditional use approval shall not be required. The applicant shall provide the following information:
  - (1) Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
  - (2) Detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Township for compliance with the applicable requirements.
  - (3) Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the CCD and associated equipment can be accomplished.
- (b) New Structures - A CCD site with a CCD that is either not mounted on an existing structure, or is more than fifteen (15) feet higher than the structure on which it is mounted shall require conditional use approval in accord with this Section 6.729 and shall be permitted only in the S-1 District.
- (c) Associated Use - All other uses ancillary to the CCD (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the CCD site, unless otherwise permitted in the zoning district in which the CCD site is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the CCD.
- (d) CCD as a Second Principal Use - A telecommunications facility shall be permitted on a property with an existing use subject to the following land development standards:

- (1) The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
- (2) The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the CCD shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area and other requirements.
- (3) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
- (4) The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

### 6.729.3 Standards

- (a) Location Requirement and Number - The applicant shall demonstrate, using technological evidence, that the CCD must go where it is proposed, in order to satisfy its function in the company's grid system. The number of CCD to be installed at a site by an applicant may not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant must document the need for the additional CCD to ensure the adequacy of current service.
- (b) Co-location; New Tower - If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Township may require the applicant to demonstrate that it contacted in writing the owners of tall structures within a one (1) mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, CCD support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the CCD on an existing structure thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good faith effort shall demonstrate that one (1) or more of the following reasons apply to a particular structure:
  - (1) The proposed equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
  - (2) The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
  - (3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - (4) Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the federal communications commission governing human exposure to electromagnetic radiation.
  - (5) A commercially reasonable agreement could not be reached with the owners of such structures.

The Township shall also have the right to contract with an independent professional engineer or other qualified consultant to conduct an evaluation of the feasibility of co-location, and such evaluation shall

be considered in the determination of the requirement for co-location. The cost of such evaluation shall be paid by the applicant.

- (c) CCD Height - The applicant shall demonstrate that the CCD is at the minimum height required to function satisfactorily. No CCD and support structure that is taller than this minimum height shall be approved.
- (d) Parcel Size; Setbacks - If a new CCD support structure is constructed (as opposed to mounting the CCD on an existing structure) or if the CCD height exceeds the height of the existing structure on which it is mounted by more than fifteen (15) feet, the minimum parcel size and setbacks in this §§D shall apply.
  - (1) Separate Parcel - If the CCD is manned and/or the parcel on which the CCD and support structure is a separate and distinct parcel, the zoning district minimum lot size shall apply and the setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet. In any case, the lot shall be of such size that all required setbacks are satisfied.
  - (2) Lease, License or Easement - If the CCD is unmanned and the land on which the CCD and support structure is leased, or is used by license or easement, the setback for any part of the CCD, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, the lease, license or easement area shall be of such size that all required setbacks are satisfied.
  - (3) CCD and Support Structure Setbacks - The distance between the base of the support structure and any adjoining property line (not lease line) shall be the largest of the following:
    - a. Thirty (30) percent of the height of the support structure and CCD.
    - b. The minimum setback in the underlying zoning district.
    - c. Forty (40) feet.
- (e) CCD Support Structure Safety - The applicant shall demonstrate that the proposed CCD and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed CCD and support structure will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of any applicable building code. Within forty-five (45) days of initial operation, the owner and/or operator of the CCD and support structure shall provide a certification from a Pennsylvania registered professional engineer that the CCD and support structure comply with all applicable regulations.
- (f) Fencing - A fence shall be required around the CCD support structure and other equipment, unless the CCD is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height.
- (g) Landscaping - Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the CCD and support structure site from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other

features instead of landscaping, if the same achieves the same degree of screening as the required landscaping. If the CCD is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

- (h) Co-location; Other Uses - In order to reduce the number of CCD support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including but not limited to other cellular phone companies, and local fire, police, and ambulance companies. The applicant shall provide evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities. The proposed structure, if evidenced by need as determined by the Township, shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities.
- (i) Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the PA Public Utility Commission and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the CCD; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the CCD and support structure.
- (j) Access; Required Parking - Access to the CCD and support structure shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length. If the CCD site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- (k) Color and Lighting; FCC and PA DOT Notice - CCD support structures under two hundred (200) feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller, those near airports, or those which are otherwise subject to Federal Aviation Administration (FAA) regulations shall comply with the said regulations. No CCD support structure may be artificially lighted except in accord with Federal Aviation Administration requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation, and the CCD and support structure shall comply with all FAA and PA DOT requirements. All towers required to be lighted by the FAA and/or the FCC will be painted and employ red marking lights. Strobe warning light packages generally are not permitted.
- (l) Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
- (m) Historic Structures - A CCD shall not be located on a building or structure that is listed on a historic register or within five-hundred (500) feet of such a structure.
- (n) Discontinued Use - Should any CCD or support structure cease to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the



costs of removal and attorney's fees. In the case where there is no subdivision, the lien shall be against the entire parent parcel of land upon which the CCD and/or support structure is located by lease, license or easement.

- (o) Site Plan - A full site plan shall be required for all CCD and support structure sites, showing the CCD, CCD support structure, building, fencing, buffering, access, and all other items required in the Township Subdivision and Land Development Ordinance. The site plan shall not be required if the CCD is to be mounted on an existing structure and the CCD does not exceed the height of the existing structure by more than fifteen (15) feet.
- (p) Recording of Plan - Recording of a plat of subdivision or land development shall not be required for a lease, license or easement area on which a CCD and support structure is proposed to be constructed, provided the CCD is unmanned.

6.730 GROUP HOMES: Group homes shall be permitted in any lawful single-family dwelling unit in accord with the following and other applicable requirements:

- (a) Definition - See Article 2.
- (b) Number of Residents - The maximum number of persons who shall reside in a group home, including the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time, shall not exceed six (6) total persons.
- (c) Supervision - There shall be adequate supervision by an adequate number of person(s) trained in the field for which the group home is intended.
- (d) Certification - The use shall be licensed or certified under an applicable State, County or Federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Borough and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Borough within fourteen (14) days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.

Parking - One off-street parking space shall be provided for each employee on duty at any one time, and for every two (2) residents of a type reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than five (5) spaces shall be buffered from adjacent existing single family dwellings by a planting screen meeting the requirements of this Ordinance.

- (e) Appearance - If the group home is within an R- 1, R-2 or R-3 District, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the type of use.
- (f) Bulk and Density - The construction of new group homes shall comply with the minimum lot size and other bulk and density requirements applicable to single-family residential dwellings.

ARTICLE 7ADMINISTRATION AND ENFORCEMENT7.100 GENERAL PROCEDURE

7.101 Sequence of Steps: Under the terms of this Ordinance, all new construction, alterations, and changes in type of occupancy must be made in conformance with the requirements contained herein. All persons desiring to undertake such new construction, major alterations or changes shall conform to the following general procedure, as well as to all other applicable provisions of this Ordinance.

- (a) Application for Permit: Applicant applies to the Zoning Official for a Zoning Permit and Occupancy Permit by filling out the appropriate application and by submitting the required fee.
- (b) Issuance of Zoning Permit: If the action proposed in the application is in accord with the regulations contained in this Ordinance, a Zoning Permit will be issued by the Zoning Official either on his own authority or, in certain cases as described in Subsection 7.102 below, after referral to the Board or to the Planning Commission.
- (c) Action in Accordance with Zoning Permit: After receipt of the Zoning Permit the applicant may proceed to undertake the construction, alteration or change in use permitted by the Zoning Permit.
- (d) Inspection by Zoning Official: After completion of the construction, alteration or change in use, and before occupancy takes place on the premises, the Zoning Official inspects the premises and issues an Occupancy Permit if he finds the action has occurred in accordance with the Zoning Permit.
- (e) Issuance of Occupancy Permit: The receipt of the Occupancy Permit by the applicant ensures him the right to continue the use as approved.

7.102 Zoning Permit Types: Under the terms of this Ordinance, six (6) general classes of Zoning Permits may be issued under which compliance with this Ordinance may occur. Each of these classes requires a different procedural action as described below:

- (a) Permitted Uses: An application for a Zoning Permit or a "Permitted Use" in a Zoning District requires only the review of the Zoning Official, who determines whether the proposed construction, major alteration or change in use is in accordance with the requirements of this Ordinance. The Zoning Official then either issues or refuses to issue a Zoning Permit according to his decision.
- (b) Special Exceptions: An application for a Zoning Permit for a "Special Exception" must be referred to the Board and to the Planning Commission by the Zoning Official. The Zoning Official is not empowered to make an independent decision on this matter, although he may submit recommendations to the Board and to the Planning Commission. The Planning Commission reviews the application and analyzes the proposed "Special Exception" to determine compliance with the provisions of this Ordinance. The Planning Commission then gives its recommendations to the Board which meets and makes a final decision on the "Special Exception". The Board then notifies the Zoning Official to either issue or refuse a Zoning Permit accordingly.
- (c) Conditional Uses: An application for a Zoning Permit for a "Conditional Use" must be referred to the Planning Commission by the Zoning Official. The Zoning Official is not empowered to make an independent decision on this matter, although he may submit recommendations to the Planning

Commission. The Planning Commission reviews the application and analyzes the proposed "Conditional Use" to determine compliance with the provisions of this Ordinance. The Planning Commission then gives its recommendations to the municipal governing body which meets and makes the final decision and notifies the Zoning Official to either issue or refuse a Zoning Permit accordingly.

- (d) Zoning Permit After an Appeal: The applicant may appeal, to the board, any action taken by the Zoning Official by submitting an application for an appeal to the Zoning Official and to the Secretary of the Board. The Board gives notice of the date for a public hearing and reviews the application to determine if the Zoning Official has acted properly. After the public hearing, and after reaching its decision, the Board can order the Zoning Official to either issue or refuse a Permit accordingly.
- (e) Permit After a Variance Request: Where the applicant feels that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance he may appeal for a variance by submitting an application requesting such variance to the Zoning Official and to the Secretary of the Board. The Board gives notice of the date for a public hearing and reviews the application. After the public hearing and after reaching its decision, the Board can order the Zoning Official to issue or refuse a Zoning Permit accordingly.
- (f) Permit After Request for Reclassification or Amendment: Where the applicant feels that the Zoning Ordinance is in need of change in any part, the applicant may petition the municipality to consider an Amendment to this Ordinance. Such a petition shall be referred to the Planning Commission for its recommendation. The municipality may then, after proper notice, hold a public hearing on the proposed Amendment. After the hearing the municipality shall make their decision on the Proposed Amendment. If the Amendment is adopted the applicant can then proceed to apply for a Zoning Permit in the manner applicable to the type of use that he wishes to propose.

## 7.200 ZONING OFFICIAL

7.201 Administration and Enforcement: The provisions of this Ordinance shall be administered by the Building Inspector of the municipality or by such other person as may be designated by the municipality as the Zoning Official. The Zoning Official shall have the following duties and powers:

- (a) Inform Applicants: The Zoning Official shall provide information for prospective applicants as to the type of form to be filed, the information to be submitted, and explain the procedures for filing applications. Such information shall be offered as a public service and no charge shall be made for such service.
- (b) Form of Applications, Permits and Certificates: The form of all applications, permits and certificates to be used by the Zoning Official under the terms of this Ordinance, shall be prescribed by the municipality. Said applications, permits and certificates may be combined with other applications, permits and certificates required by the Building Code.
- (c) Receive Applications: He shall receive and examine all applications for permits, certificates and variances and other applications required under the terms of this Ordinance.
- (d) Issue Permits: He shall issue permits for the construction, major alteration and occupancy of all uses which are in accord with the requirements of this Ordinance within thirty (30) days of the receipt of the applications for such permit.
- (e) Refuse Permits: He shall refuse applications for permits or certificates which are not in accord with the requirements of this Ordinance within thirty (30) days of the receipt of such application. Said refusal

shall be in writing and shall state the reasons for such action. Duplicate copies of such refusals shall be forwarded to the Board.

- (f) Issue Notice of Violation: He shall make a written notice of violation and issue the same on the person, firm or corporation violating any provisions of this Ordinance. Said written notice shall set forth the action on the part of such persons or corporation that he deems to be in violation. Duplicate copies of said notice are to be referred to the Board and to the municipality.
- (g) Keep Records: He shall keep records of applications, or permits or certificates issued or denied, of variances granted of inspections made, of reports rendered and of notice of orders issued.
- (h) Monthly Report: He shall submit a monthly report to the municipality, the Zoning Hearing Board and the Planning Commission on the number of applications made, of permits or certificates issued or denied, of variances granted, of inspections made, of reports rendered, of notice of orders issued, and of any other information requested by the Board or Commission in the furtherance of their duties.
- (i) Other Powers and Duties: He shall perform all other duties may be provided or made necessary by the terms of this Ordinance.

### 7.300 ZONING HEARING BOARD

- 7.301 Board is Hereby Created: The existing Zoning Board of Adjustment shall henceforth be known as the Zoning Hearing Board (herein also referred to as "Board") as provided for by the laws of the Commonwealth of Pennsylvania.
- 7.302 Appointment of Members: The Board shall consist of three (3) members appointed by the Township Supervisors. An appointment to fill any vacancy shall be only for the unexpired portion of the term. No business may be transacted unless two of the members are present at a properly conducted meeting. All actions shall require the affirmative vote of at least two members.
- 7.303 Duties and Powers: The Board shall be responsible for the interpretation of this Ordinance, and shall adopt, and make available to the public, rules for the exercise of its functions. The Board shall have the following duties and powers:
  - (a) To Hear and Decide Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Official in the enforcement of this Ordinance in accordance with Section 7.500.
  - (b) Permit Special Exceptions: To hear and decide requests for special exceptions. Prior to action by the Board, requests shall be referred to the Planning Commission for their review and recommendation in accordance with Subsection 7.304. The Board shall determine that the standards set forth in Article 4 have been fulfilled, and in addition, may impose other appropriate conditions and safeguards where necessary to secure the general objectives of this Ordinance and to reduce injury to the value of property in the neighborhood.
  - (c) Authorize Variances: The Board may vary the strict application of any of the requirements of this Ordinance provided that such variance is granted only in accordance with Section 7.600.
  - (d) Interpretation of Boundaries: The interpretation of boundaries as specified in Section 3.300.
  - (e) Other Duties and Powers: The Board shall perform such other duties as may be provided or made

necessary by this Ordinance including the following:

- (1) To authorize the Zoning Official to issue Zoning Permits for Special Uses, Variances, and Certificates of Nonconformance.
- (2) To hold public hearings in accordance with Section 7.700.
- (3) To authorize the termination of a nonconforming use pursuant to Articles 5 and 6.
- (4) To refer any pertinent matter to the Planning Commission for review and recommendation, and defer any decision thereon for a period of not more than thirty (30) days from the date of referral to the Planning Commission, pending a report from the Commission.
- (5) To maintain a record of all decisions and the findings, or a summary of such findings, upon which said decisions shall be based.

7.304 Referral to Planning Commission: The Board shall refer to the Commission all applications for Special Uses and any other applications or appeals which in the opinion of the Board, require review by the Commission. Upon receipt of such an application from the Board, the Planning Commission shall:

- (a) Determine compliance of proposed Special Uses with the standards set forth in Articles 4 and 6.
- (b) Approve, disapprove or approve subject to conditions or modifications all matters referred to it and shall submit a written report to the Board stating all recommended conditions and modifications and the reasons for such approval or disapproval.

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

#### 7.400 ZONING AND OCCUPANCY PERMITS AND CERTIFICATES

7.401 Zoning Permits: The purpose of the Zoning Permit is to determine compliance with the provision of this Ordinance, and no person shall erect, structurally alter in a major way, or convert any structure, building or part thereof, nor alter the use of any land, subsequent to the adoption of this Ordinance, until a Zoning Permit has been issued by the Zoning Official.

- (a) Application for Permits: All applications for Zoning Permits shall be in writing on forms to be furnished by the Zoning Official. Application shall be accomplished by plans, in duplicate, drawn to scale, showing the following information:
  - (1) The actual shape and dimensions of the lot to be built upon.
  - (2) The exact size and location of existing or proposed buildings, signs, parking or loading areas.
  - (3) The existing and proposed use of each building or parts thereof, including number of families, dwelling units, employees, offices or other units of occupancy,
  - (4) Plans for screenings and landscaping as may be required under the provisions of this Ordinance.

(5) Such other information as may be necessary to determine compliance.

- (b) Permits to be Shown: Zoning Permits shall be issued in duplicate and one (1) copy shall be kept conspicuously on the premises affected whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform building operations of any kind unless a Zoning Permit covering such operation has been previously issued, and is being displayed as required by this Ordinance, nor shall they perform building operations of any kind after notification of the revocation of said Zoning Permit.
- (c) Revocation of Permits: The Zoning Official may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading, or that work being done upon the premises differs materially from that called for in the application. In such a case, the person holding the permit shall immediately surrender it and all copies thereof to the Zoning Official. Before issuing a new Zoning Permit, the Zoning Official may require the applicant to file an indemnity bond in favor of the municipality with sufficient surety conditioned for compliance with this Ordinance and all building laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building if it does not so comply.

7.402 Occupancy Permits: An Occupancy Permit, issued in duplicate, certifying that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the permit, shall be received from the Zoning Official after inspection and prior to the use of occupancy of any building or structure, or part thereof, for which a Zoning Permit is required, or for any change of use of any existing building or structure or part thereof, or for any change of use of land. In all cases, a copy of the Occupancy Permit shall be kept at all times upon the premises, and shall be displayed upon request made by any officer of the municipality. A record shall be kept of all Occupancy Permits, and the original applications shall be kept on file in the office of the Zoning Official.

- (a) Application for Permit: Application for an Occupancy permit shall be made in writing on a form furnished by the Zoning Official setting forth such facts as the Zoning Official may require.
- (b) Permit Shall Continue: Any Occupancy Permit once granted shall continue in effect so long as there is no change of use, regardless of change in the personnel of tenants or occupants.

## 7.500 APPEALS

### 7.501 Appeal from Decision of Zoning Official

- (a) Any person, officer of the municipality, or firm or corporation which deems itself aggrieved by any order of the Zoning Official shall have the right to file a written appeal to the Board within twenty (20) days of the issuance of said order. Such appeal shall contain the information required in Subsection 7.505 and a duplicate copy shall be sent to the Zoning Official. The Zoning Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- (b) It shall be competent for the Zoning Official to recommend to the Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he has not himself sufficient authority to grant the relief sought. The Board shall fix a reasonable time for the hearing of appeals and give public notice thereof by advertising at least one week before the hearing, and shall give due notice to the parties in interest and shall decide all appeals within a reasonable time. Any party may appear in person or be represented by an agent or attorney.
- (c) The Board shall decide each appeal within 45 days, and notice thereof shall be given to all parties in

interest. The Board's decision shall be immediately filed in its office and be a public record. In the exercise of its functions upon such appeals, the Board may in conformity with the provision of this Ordinance, reserve or affirm, wholly or partly, or modify the order, requirement, decision, or determination in accordance with the provisions hereof.

- 7.502 Expiration of Appeal Decision: Unless otherwise specified by the Board, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary Zoning Permit, or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.
- 7.503 Appeal from Decision of Board: In case of an appeal from the Board, the Board shall make the return required by law, and shall promptly notify the municipality's solicitor of such appeal and furnish him with a copy of the return including transcript of testimony. Any order of the Board not appealed within thirty (30) days shall be final.
- 7.504 Stay of Proceedings: Upon filing of any proceeding during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Official or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Official or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Official or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. After the petition is presented the court shall hold a hearing to determine if the filing of the appeal is frivolous and is for the purpose of delay. At the hearing evidence may be presented on the merits of the case. After consideration of all evidence presented, if the court determines that the appeal is frivolous and is for the purpose of delay it shall grant the petition. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.
- 7.505 Information Required on Appeals to the Board: All appeals from a decision of the Zoning Official and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:
- (a) The name and address of the applicant, or appellant.
  - (b) The name and address of the owner of the zone lot to be affected by such proposed change, or appeal.
  - (c) A brief description and location of the zone lot to be affected by such proposed change, or appeal.
  - (d) A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.
  - (e) A statement of the section of this Ordinance under which the appeal is made, and reasons why it should be granted or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal.

- (f) A reasonable accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements existing thereon and proposed to be erected thereof.

#### 7.600 VARIANCES

- 7.601 Board May Authorize Variance: Upon appeal, and after public notice and personal notice as hereinafter prescribed in Section 7.700 and after hearing, and subject to appropriate safeguards and conditions for the protection of public and of neighboring properties, the Board may for a use permitted in the zone district only, vary the strict application of any of the requirements of this Ordinance, provided that said variance shall be in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved but in no other case.
- 7.602 Purpose of Variance: The sole purpose of any variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone.
- 7.603 Required Showing for Variances: No variance in the strict application of any provision of this Ordinance shall be granted by the Board unless it finds the following:
- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or buildings that do not apply generally to land or buildings in the neighborhood.
  - (b) That said circumstance or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.
  - (c) That for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance is granted by the Board, is the minimum variance that will accomplish this purpose.
  - (d) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.

#### 7.700 PUBLIC HEARINGS TO BE HELD BY BOARD

Upon filing with the Board, of an appeal, or of a request for a variance as required by the terms of this Ordinance, or for such other purposes as provided herein where the Board deems it in the public interest, the Board shall fix a time and place for a public hearing thereon as follows:

- 7.701 Public Notice: By advertising at least once in a newspaper of general circulation in the municipality, not less than one (1) week nor more than three (3) weeks in advance of such hearing.
- 7.702 Notice to Appellant. By mailing a notice thereof by registered mail to the appellant.
- 7.703 Notice to Local Officials. By mailing a notice to the Mayor and each member of the Planning Commission, to the Municipal Secretary and to the Zoning Officer.



- 7.704 Notice to Interested Parties. By mailing a notice thereof to every association of residents of the municipality and any other interested party who shall have registered their names and addresses for this purpose with the Board.
- 7.705 Notice to Owner and Neighbors. When the Board shall order, by mailing a notice thereof to the owner, if his residence is known, and to the occupant of every lot on the same street within three hundred (300) feet of the lot or building in question, and of every lot not on the street within one hundred (100) feet of said lot or building; provided that failure to give such notice as specified in this paragraph shall not invalidate any action by the Board.
- 7.706 Conduct of Public Hearings and Related Procedures.
- (1) The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
  - (2) The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
  - (3) The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
  - (4) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
  - (5) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
  - (6) The Board or the hearing officer, as the case may be, shall keep a record of the proceedings and of graphic or written material received in evidence shall be made available to any party at cost.
  - (7) The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the materials or notices and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
  - (8) The Board or the hearing officer, as the case may be, shall render a written decision or, when no discussion is called for, make written findings on the application within forty-five days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations

available to the parties and the parties shall be entitled to make written representations thereon to the Board-prior to final decision or entry of findings, and the Board's decision shall be entered no later than forty-five days after the decision of the hearing Officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the municipality shall give public notice of said decision within ten days in the same manner as provided in subsection (1) of this section. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

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

#### 7.800 AMENDMENTS

The municipality may, on their own motion or by petition, amend, supplement, change, modify or repeal their Ordinance, including the Zoning Map, by proceeding in the following manner:

- 7.801 Public Hearing. The municipality by Resolution adopted at a stated meeting shall by appropriate public notice fix the time and place of a public hearing on the proposed amendment. The notice shall state the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents, and shall name the place or places where copies of the proposed amendments may be examined.
- 7.802 Review by Planning Commission. Every such proposed amendment or change, whether initiated by the municipality or by petition shall be referred to the Commission for report thereon before the public hearing hereinafter provided for. If the Planning Commission shall fail to file such a report within fifteen (15) days after its next regularly scheduled meeting, it shall be conclusively presumed that the Planning Commission has approved the proposed amendment, supplement or change.
- 7.803 Opportunity to be Heard. At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.
- 7.804 Two-Thirds Majority Required. In case of a protest against such change, signed either by the owners of thirty-three and one-third (33 1/3) percent or more, either of:
- (a) The area of the lots included in such proposed change, or of;
  - (b) The area of those lots immediately adjacent to said affected properties, including also all lots any part of which lies within one hundred (100) feet of the boundary of the area of such change; such amendment shall not become effective except by the favorable vote or two-thirds (2/3) of the members of the municipal governing body.
- 7.805 Criteria for Boundary Changes. No district boundary shall be changed except in accordance with the following criteria:
- (a) A proposed R-District shall be large enough in gross area, so that at least one-half of the number of existing building sites included in the proposed district do not abut a Commercial or Manufacturing

District.

- (b) A proposed C-District shall contain at least 25,000 square feet of gross area; provided, however, that a proposed C-District which would abut an existing C or M-District shall be excepted from any requirement of minimum size.
- (c) All proposed M-Districts shall contain at least five (5) acres; provided, however that if such M-District, abuts another MDistrict, it shall be excepted from any requirements of minimum size.

7.900 ENFORCEMENT AND VIOLATIONS

- 7.901 Enforcement. This Ordinance shall be enforced by the Zoning Official, and the municipal police department. Any and all permits required under this Ordinance shall be granted in accordance with the rules and regulations of this Ordinance only, and/or by written decisions from the appeal agencies established by this Ordinance.
- 7.902 Initiation of Appropriate Actions. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, or of any ordinance or regulation made under authority conferred hereby, the Zoning Official, or other proper enforcement official or any citizen of the municipality in addition to other remedies, may institute any appropriate action of proceedings to prevent such unlawful erection, conversion, maintenance or use, to restrain, correct, or abate such violation within 10 days and to prevent the occupancy of said building structure to land, or to prevent any illegal act, conduct, business or use in or about such premises.
- 7.903 Violation Punishable. Any person, firm or corporation violating any provision of this Ordinance shall, upon conviction, be punished by a fine not to exceed one hundred dollars (\$100) for any offense, recoverable with costs, together with judgement or imprisonment not exceeding thirty @301 days if the amount of said judgment is not paid. Each day that a violation is permitted shall constitute a separate offense.
- 7.904 Actions Initiated Prior to Passage of Ordinance. The passage of this Ordinance shall not automatically suspend any pending actions instituted one year or less prior to said passage against any person, firm, or corporation accused to be in violation of Municipal zoning laws existing prior to said passage. Before any proceedings may be suspended, an appropriated legal determination must be made as to whether or not the person, firm or corporation is also in violation of this Ordinance. If it is ruled that the person, firm, or corporation is not in violation of this Ordinance, then the action may be suspended; if the ruling is otherwise, then the proceedings shall continue as instituted.
- 7.905 Fees. The following fees in addition to those fees required by the Building Code, shall be paid at the office of the Zoning Official upon the filing of an application:

FILING FEES AND COSTS		
ESTIMATED CONSTRUCTION COSTS (Dollars)	(a) ZONING PERMITS FOR USES REQUESTING BOARD ACTION	(b) ZONING PERMITS FOR USES NOT REQUIRING BOARD ACTION
0 - 1,000	\$7.50	\$5.00

1,001 - 5,000	\$15.00	\$10.00
over 5,000	\$35.00	\$10.00

- (a) Certificates of Nonconformance - No fee if application is made within one year of the date of adoption of this Ordinance. Otherwise, a fee of five dollars (\$5) shall be paid.
- (b) Occupancy Permit - \$2.00
- (c) Zoning Hearing Board Certificate - A fee of \$75.00, payable in advance, shall be paid for each appeal or application to the Board for a special exception or variance to cover advertising cost, mailing notices, and charges of the stenographer for taking notes of the testimony, provided that if more than ten pages of testimony are taken in any case, the appellant or applicant shall reimburse the municipality for the cost of such additional testimony.
- (d) Changes or Amendment in the Zoning Ordinance and/or Zoning Map - A fee of \$200.00, payable in advance, shall be paid for each application for a change or amendment in the Zoning Ordinance and/or zoning map.
- (e) Statement of Classification or Compliance - A fee of \$2.00, payable in advance, shall be paid for each certified statement of district classification of any property and/or compliance of any property with the provisions of this Ordinance.
- (f) Changes in Fee Structure - All fees incorporated by this Article 7.905 may be changed by Resolution of the Municipality. Such changes shall not be construed as Amendments in the sense of Article 7.80 of this Ordinance.

7.1000 CONDITIONAL USES AND SPECIAL EXCEPTIONS

7.1000.1 Applications: Applications for conditional uses and special exceptions shall, at a minimum, include the information required in Section 7.1000.6. The Township Planning Commission, Board of Supervisors, or the Zoning Hearing Board shall require any other information deemed necessary for the review of the proposal.

7.1000.2 Conditional Uses: Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in Section 7.1000.4 and any other applicable standards in this Ordinance.

(a) Expansions - Expansions or additions to uses classified as conditional uses shall also be considered conditional uses. The addition of an accessory structure shall not be considered a conditional use.

(b) Procedure

(1) Submission - The applicant shall submit the application as follows:

- a. Five (5) complete copies of any required plan shall be submitted to the Zoning Officer.
- b. The Zoning Officer shall refuse to accept an incomplete application which does not provide

sufficient information to determine compliance with this Ordinance.

- (2) Distribution - The Zoning Officer shall distribute copies of the site plan to the Planning Commission and the Board of Supervisors. A minimum of one (1) copy shall be retained in the Township files. The Township Fire Company should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.
- (3) Zoning Officer Review - The Zoning Officer shall report in writing or in person to the Planning Commission or the Board of Supervisors stating whether the proposal complies with this Ordinance. The Zoning Officer may request a review by the Township Engineer.
- (4) Planning Commission - The Planning Commission shall be given an opportunity to review the conditional use application and submit a recommendation to the Board of Supervisors.
- (5) Board of Supervisors Action
  - a. Prior to rendering a decision, the Board of Supervisors shall conduct a public hearing on the application. Such hearing shall be conducted pursuant to public notice within sixty (60) days from the date of the applicant's request for a hearing.
  - b. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provision of the PA Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
  - c. Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to hold the required hearing within sixty (60) days from the date the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the public record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so.
  - d. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of the PA Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.
  - e. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

7.1000.3 Special Exceptions: Uses specified as special exceptions shall be permitted only after review and approval by the Township Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this Ordinance and in Section 7.1000.4.

(a) Expansions - Expansions or additions to uses classified as special exceptions shall also be considered special exceptions. The addition of an accessory structure shall not be considered a special exception.

(b) Procedure

(1) All applicants for a special exception use shall submit five (5) sets of plans for the proposed use to the Zoning Officer together with a written application. Photographs of the existing site or buildings may also be requested to be presented by the applicant.

(2) All plans shall contain the information required in Section 7.1000.6.

(3) Township Procedures.

a. The Zoning Officer shall forward the application to the Zoning Hearing Board, the Planning Commission and the Zoning Hearing Board solicitor. A minimum of one (1) copy shall be retained in the Township files.

b. The Zoning Officer shall, prior to the next Zoning Hearing Board meeting where the application will be discussed, review the Plan to determine compliance with this Ordinance and report these findings to the Zoning Hearing Board.

(4) Planning Commission Review of Special Exception Uses.

a. The Planning Commission shall be provided with an opportunity to review any proposed special exception use at a regular meeting prior to a decision by the Zoning Hearing Board. The Commission, at its option, may provide a written advisory review.

b. If such review is not received within the time limit within which the Board must issue a decision, or within thirty (30) days of such application being sent to the Planning Commission, then the Board may make a decision without having received comments from the Planning Commission.

(5) Zoning Hearing Board Action on Special Exception Uses.

a. The Board shall hear and decide such request for a special exception use under the procedures of this Ordinance and the State Planning Code.

b. The Board shall schedule the first hearing within sixty (60) days of submittal of a proper application, unless granted a written extension by the applicant. The Board shall issue a decision within forty-five (45) days after the conclusion of the final hearing on the matter.

c. The decision of the Board shall be in writing and shall be communicated to the applicant or their representative in accordance with this Ordinance.

7.1000.4 Standards and Criteria: The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this Ordinance and other ordinances of the Township. In addition to the applicable general provisions of this Ordinance and to the standards provided in this Ordinance for specific conditional uses and special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions.

(a) The proposed use shall be in harmony with purposes, goals, objectives and standards of the Township Comprehensive Plan, this Ordinance and all other ordinances of the Township.

(b) The proposal shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site.

(c) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent

property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.

- (d) The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, or services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of the Township. The permit approval shall be so conditioned.
- (e) In reviewing an application, the following additional factors shall be considered:
- (1) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
  - (2) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
  - (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
  - (4) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
  - (5) Adequacy of storm water and drainage facilities storm water leaving any site shall not exceed pre-development levels and facilities shall be designed to meet the requirements of all applicable Township ordinances.
  - (6) Adequacy of water supply and sewage disposal facilities.
  - (7) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
  - (8) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
  - (9) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (f) No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties effected, all conditions and safeguards deemed necessary by the Board to protect the general health, safety and welfare and implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code shall be imposed as conditions of approval in accord with Section 912.1 or Section 913.2 of the Pennsylvania Municipalities Planning Code, as the case may be.

Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.

The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

7.1000.5 Limitation of Approval: Any conditional use approval granted by the Township Supervisors and any special exception approval granted by the Zoning Hearing Board shall expire one (1) year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such expiration, the said approval, and any permit issued subsequent thereto, shall be deemed null and void and the developer shall be required to submit another application for the same. The Board of Supervisors or Zoning Hearing Board as the case may be, however, may grant an extension of the time limitations, for good cause.

7.1000.6 Information Required: The applicant shall supply the information required by this Section 7.1000.6 and evidence regarding compliance with the express standards and criteria contained in this Ordinance; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or shall be denied based on said evaluation.

In the case of an application involving the construction of any new structure or any addition to an existing structure, all of the information required in this Section 7.1000.6 shall be provided by the applicant. However, the Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may determine, as part of the review process, that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant. In any case, the Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may require any other additional information or any level of detail deemed necessary to determine compliance with this Ordinance or to identify any impacts of the proposed use.

- (a) Names and address of the applicant, or appellant; and the name and address of the owner of the affected property
- (b) A description of the existing and proposed use(s) of the property, including numbers of dwelling units, minimum square feet of proposed dwelling units and number of proposed business establishments, if any
- (c) A description of any proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards
- (d) If a principal non-residential use is proposed within close proximity to dwellings, a description of hours of operation and proposed methods of storing garbage outdoors on-site.
- (e) A listing of any specific sections of this Ordinances being appealed, with the reasons for any appeal.
- (f) A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
  - (1) Name of the development.
  - (2) Name and address of land owner and/or land developer. (if corporation give name of officers.)
  - (3) Location map.
  - (4) North arrow, true or magnetic.
  - (5) Graphic scale.
  - (6) Written scale
  - (7) Date plot plan was completed.
  - (8) Names of adjacent property owners and tax map numbers, including those across adjacent roads.
  - (9) Proposed and existing street and lot layout including street names and right-of-way widths.
  - (10) Existing and proposed constructed and/or natural features:
    - a. Water courses, lakes and wetlands (with names)
    - b. Rock outcrops, ledges and stone fields.
    - c. Buildings, structures, signs and setbacks required by the Zoning Ordinance.
    - d. Approximate location of tree masses.
    - e. Utility lines, wells and sewage system(s).
    - f. Entrances, exits, access roads and parking areas including the number of spaces.



- g. Drainage and storm water management facilities
  - h. Plans for any required buffer plantings
  - i. Any and all other significant features.
- (g) Location of permanent and seasonal high water table areas and 100 year flood zones.
  - (h) Tract boundaries accurately labeled.
  - (i) The total acreage of the tract and extent of the areas of the site to be disturbed and percentage lot coverage when the project is completed
  - (j) Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
  - (k) A statement of the type of water supply and sewage disposal proposed.
  - (l) The present zoning district and major applicable lot requirements.

ARTICLE 8

INTERPRETATION AND VALIDITY

8.100 INTERPRETATION

In the interpretation and the application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this Ordinance imposes a greater restriction upon the use of a building, or requires larger open spaces, the provisions of this Ordinance shall control. In the event that more than one (1) provision of this Ordinance applies to a specific instance, the more restrictive provision shall control.

8.200 SEPARABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The governing body of South Abington Township hereby declares that they would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

8.300 REPEALER

All Ordinances or parts of Ordinances of South Abington Township in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

8.400 EFFECTIVE DATE

This Ordinance shall take effect immediately subsequent to the adoption hereof.

This index is constructed for the use of key words to find applicable sections. For example, to find information about *sign height*, find the key word *sign* and then proceed to *height* under the sign heading; or, to find the required setbacks for *multi-family dwellings*, find the key word *multi-family*, and then find *setbacks*.

References are to section designation rather than page numbers to facilitate updating the index when changes are made to the ordinance. As sections are added to the ordinance the page numbering will change; however the base section numbering will not.

- - - A - - -

Accessory Structures, Attached .....	6.109(a)
Accessory Structures, Limited Number of .....	6.109(d)
Accessory Structures, Unattached Non-Dwelling .....	6.109(c)
Accessory Structures and Uses .....	6.109
Accessory Structures in R-District, Unattached .....	6.109(b)
Accessory Uses .....	4.202
Accessory Uses - Use Class 11 and 12 .....	4.202; 4.302; 6.109
Administration and Enforcement .....	7.201
Administration And Enforcement, Action in Accordance with Zoning Permit .....	7.101(c)
Administration And Enforcement, Application for Permit .....	7.101(a)
Administration And Enforcement, General Procedure .....	7.100
Administration And Enforcement, Inspection by Zoning Official .....	7.101(d)
Administration And Enforcement, Issuance of Occupancy Permit .....	7.101(e)
Administration And Enforcement, Issuance of Zoning Permit .....	7.101(b)
Administration And Enforcement, Sequence of Steps .....	7.101
Adult Businesses .....	6.712
Adult Businesses, Alcohol .....	6.712.4(h)
Adult Businesses, Annual Permit .....	6.712.5
Adult Businesses, Conditional Use in the M-1 Industrial Zoning District .....	6.712.3
Adult Businesses, Enlargement .....	6.712.4(d)
Adult Businesses, Exemption for Modeling Class .....	6.712.4(j)
Adult Businesses, Findings .....	6.712.1
Adult Businesses, Intent .....	6.712.2
Adult Businesses, Limit of One (1) Use .....	6.712.4(e)
Adult Businesses, Location of New Neighboring Uses .....	6.712.4(g)
Adult Businesses, Measurement .....	6.712.4(c)
Adult Businesses, Nonconformity .....	6.712.4(f)
Adult Businesses, Similar Businesses .....	6.712.4(b)
Adult Businesses, Setbacks .....	6.712.4(a)
Adult Businesses, Standards .....	6.712.4
Adult Businesses, Visibility and Signs .....	6.712.4(i)
Amendments .....	7.800
Amendments, Criteria for Boundary Changes .....	7.805
Amendments, Opportunity to be Heard .....	7.803
Amendments, Public Hearing .....	7.801
Amendments, Review by Planning Commission .....	7.802
Amendments, Two-Thirds Majority Required .....	7.804
Amusement Games and Related Machines, Restrictions and Requirements For .....	6.724
Animal Hospital And Boarding Kennels .....	6.701
Animals, Poultry And Gardening .....	6.707
Annexed Lands, Classification of .....	3.400
Appeal from Decision of Board .....	7.503
Appeal from Decision of Zoning Official .....	7.501

Appeal Decision, Expiration of ..... 7.502

Appeals ..... 7.500

Appeals to the Board, Information Required ..... 7.505

Application of Ordinance ..... 1.100

Appropriate Public Uses ..... 6.201

Area Regulations ..... 6.103

Attached Accessory Structures ..... 6.109(a)

Automobile Service, Parking Garages And Parking Lots ..... 6.705

Automobile Wrecking ..... 6.703

**--- B ---**

Basic Regulations ..... 4.100

Basic Regulations Governing The Use Of Land ..... TABLE 1

Billboards ..... 6.604

Boarding Kennels and Animal Hospitals ..... 6.701

Boundaries, Interpretation of ..... 3.300

Buffer for Water Bodies ..... 6.72(c)

Buffer for Wetlands ..... 6.72(b)

Buffers ..... 6.708

Buffers, General Standards ..... 6.708.1

Building Size Regulations ..... TABLE 2

Buildings, Supplementary Regulations ..... 6.100

**--- C ---**

Cemeteries, Crematories, And Mausoleums ..... 6.716

Classification Of Annexed Lands ..... 3.400

Clubs ..... 6.202

Commercial Communication Devices ..... 6.729

Commercial Communication Devices, Access; Required Parking ..... 6.729.3(j)

Commercial Communication Devices, Associated Use ..... 6.729.2(c)

Commercial Communication Devices, Co-location; New Tower ..... 6.729.3(b)

Commercial Communication Devices, Co-location; Other Uses ..... 6.729.3(h)

Commercial Communication Devices, Color and Lighting; FCC and PA DOT Notice ..... 6.729.3(k)

Commercial Communication Devices, Communications Interference ..... 6.729.3(l)

Commercial Communication Devices, Discontinued Use ..... 6.729.3(n)

Commercial Communication Devices, Existing Tall Structures ..... 6.729.2(a)

Commercial Communication Devices, Fencing ..... 6.729.3(f)

Commercial Communication Devices, Height ..... 6.729.3(c)

Commercial Communication Devices, Historic Structures ..... 6.729.3(m)

Commercial Communication Devices, Landscaping ..... 6.729.3(g)

Commercial Communication Devices, Licenses; Other Regulations; Insurance ..... 6.729.3(i)

Commercial Communication Devices, Location Requirement and Number ..... 6.729.3(a)

Commercial Communication Devices, New Structures ..... 6.729.2(b)

Commercial Communication Devices, Parcel Size; Setbacks ..... 6.729.3(d)

Commercial Communication Devices, Purposes ..... 6.729.1

Commercial Communication Devices, Recording of Plan ..... 6.729.3(p)

Commercial Communication Devices, as a Second Principal Use ..... 6.729.2(d)

Commercial Communication Devices, Site Plan ..... 6.729.3(o)

Commercial Communication Devices, Standards ..... 6.729.3

Commercial Communication Devices, Support Structure Safety ..... 6.729.3(e)

Commercial Communication Devices, Use Regulations ..... 6.729.2

Commercial Developments, Large Scale ..... 6.103(b)

Commercial Recreation Uses ..... 6.301

Community Buildings ..... 6.202

Community Development Objectives, Statement of ..... 1.200

Conditional Uses ..... 4.204; 7.102(c)

Conditional Uses - Use Classes 19 through 22 ..... 4.304

Conditional Uses and Special Exceptions ..... 6.708.2

Conditional Uses And Special Exceptions, Applications ..... 7.1000.1

Conditional Uses And Special Exceptions, Conditional Uses ..... 7.1000.2

Conditional Uses And Special Exceptions, Expansions ..... 7.1000.2(a)

Conditional Uses And Special Exceptions, Procedure ..... 7.1000.2(b)

Construction Vehicle Parking and Temporary Offices ..... 6.728(a)

Continuation Of Use ..... 5.200

Conversions In R-Districts ..... 6.400

Corner Lot, Side Yard ..... 6.104(d)

Court, Inner ..... 6.709(C)

Court, Outer ..... 6.709(B)

Courts ..... 6.709

Crematories ..... 6.716

Curbs and Driveways ..... 6.714(a)

**- - - D - - -**

Day Care Centers, Concentration ..... 6.726(8)

Day Care Centers, Definitions ..... 6.726(1)

Day Care Centers, Fence ..... 6.726(4)

Day Care Centers, Hours ..... 6.726(6)

Day Care Centers, Inspections ..... 6.726(9)

Day Care Centers, Off-Premises Play Area ..... 6.726(3)

Day Care Centers, Parking ..... 6.726(2)

Day Care Centers, Play Area Setback ..... 6.726(5)

Day Care Centers, Private Nurseries And Kindergartens ..... 6.726

Day Care Centers, Signs ..... 6.726(7)

Definitions ..... 2.200

Development of Parking and Loading Areas ..... 6.504

Dirt ..... 6.719(a)

Drive-In Theaters ..... 6.303

Driveways and Curbs ..... 6.714(a)

Dust ..... 6.719(a)

**- - - E - - -**

Earth Satellite Stations ..... 6.725

Effective Date ..... 8.400

Enforcement And Violations ..... 7.900

Enforcement And Violations, Actions Initiated Prior to Passage of Ordinance ..... 7.904

Enforcement And Violations, Initiation of Appropriate Actions ..... 7.902

Enforcement And Violations, Violation Punishable ..... 7.903

Excavation and Strip Mining Operations ..... 6.722

Excavation Of Topsoil, Gravel, Sand Or Rock ..... 6.704

Existing Nonconforming Lots in R-Districts ..... 6.101

**- - - F - - -**

Family Day Care Homes ..... 6.727

Family Day Care Homes, Definition ..... 6.727(1)  
 Family Day Care Homes, Fencing ..... 6.727(3)  
 Family Day Care Homes, Hours ..... 6.727(4)  
 Family Day Care Homes, Parking ..... 6.727(2)  
 Fees ..... 7.905  
 Fences ..... 6.104(e)  
 Fences and Walls Located in Yards ..... 6.104(g)  
 Filing Fees And Costs ..... 7.905  
 Filing Fees And Costs, Certificates of Nonconformance ..... 7.905(a)  
 Filing Fees And Costs, Changes in Fee Structure ..... 7.905(f)  
 Filing Fees And Costs, Changes or Amendment in the Zoning Ordinance and/or Zoning Map ..... 7.905(d)  
 Filing Fees And Costs, Occupancy Permit ..... 7.905(b)  
 Filing Fees And Costs, Statement of Classification or Compliance ..... 7.905(e)  
 Filing Fees And Costs, Zoning Hearing Board Certificate ..... 7.905(c)  
 Fire and Safety Hazard ..... 6.719(f)  
 Flood Plains ..... 6.717  
 Fly Ash ..... 6.719(a)  
 Fraternal Organizations ..... 6.202  
 Front Yard Exception ..... 6.104(a)

**- - - G - - -**

Gardening ..... 6.707  
 Gases ..... 6.719(c)  
 Gasoline Pumps, Location of ..... 6.714(b)  
 Glare ..... 6.719(d)  
 Group Home And Resident Facilities For Mentally Retarded ..... 6.720

**- - - H - - -**

Height Limitations ..... 6.102  
 Highway Interchanges, Uses Fronting On Arterial Streets Or Abutting ..... 6.721  
 Highway Interchanges, Uses Fronting On Arterial Streets Or Abutting: Driveway Access Points ..... 6.721(b)  
 Highway Interchanges, Uses Fronting On Arterial Streets Or Abutting: Setback ..... 6.721(a)  
 Home Occupations ..... 6.702

**- - - I - - -**

Interchange Ramp Protection ..... 6.721(c)  
 Interpretation ..... 8.100  
 Interpretation Of Boundaries ..... 3.300  
 Interpretation Of Language ..... 2.100  
 Interpretation And Validity ..... ARTICLE 8  
 Intersections, Visibility in all Districts ..... 6.106

**- - - J - - -**

Joint Facilities for Parking or Loading ..... 6.503  
 Junk Yards And Similar Storage Areas, Including Automobile Wrecking ..... 6.703

**- - - K - - -**

Kindergartens ..... 6.726  
 Kindergartens, Concentration ..... 6.726(8)  
 Kindergartens, Definitions ..... 6.726(1)  
 Kindergartens, Fence ..... 6.726(4)

Kindergartens, Hours ..... 6.726(6)  
 Kindergartens, Inspections ..... 6.726(9)  
 Kindergartens, Off-Premises Play Area ..... 6.726(3)  
 Kindergartens, Parking ..... 6.726(2)  
 Kindergartens, Play Area Setback ..... 6.726(5)  
 Kindergartens, Signs ..... 6.726(7)

**- - - L - - -**

Landscaping ..... 6.708; 6.708.3  
 Landscaping, General Standards ..... 6.708.1  
 Language, Interpretation of ..... 1.300  
 Large Scale Commercial Developments ..... 6.103(b)  
 Limitations On Use Classes ..... 4.400  
 Limitations, Height ..... 6.102  
 Loading, Joint Facilities for ..... 6.503  
 Loading, Off-Street ..... 6.501  
 Loading, Size and Location ..... 6.501(b)  
 Loading Areas, Development of ..... 6.504  
 Loading Areas, Landscaping Requirements for Parking Lots ..... 6.504(c)  
 Loading Areas, Minimum Distances and Set Backs ..... 6.504(a)  
 Loading Areas, Surfacing ..... 6.504(b)  
 Loading Spaces, Number Required ..... 6.501(a)  
 Lodges ..... 6.202  
 Lot, Two or More Buildings on a ..... 6.105  
 Lot Size, Supplementary Regulations ..... 6.100  
 Lot Size Regulations ..... TABLE 2  
 Lots Not Serviced With Public Water or Sewer ..... 6.103(a)

**- - - M - - -**

Mausoleums ..... 6.716  
 Mentally Retarded, Group Home And Resident Facilities For ..... 6.720  
 Migrant Worker Camp ..... 6.715  
 Mobile Homes ..... 6.706  
 Motels ..... 6.710  
 Motor Vehicle Access ..... 6.714  
 Multi-Family Dwellings ..... 6.718  
 Multi-Family Dwellings, Architectural Renderings ..... 6.718.5(g)  
 Multi-Family Dwellings, Building Separation ..... 6.718.5(c)  
 Multi-Family Dwellings, Common Property Ownership and Maintenance ..... 6.718.6  
 Multi-Family Dwellings, Composition of Open Land Area ..... 6.718.3(b)  
 Multi-Family Dwellings, Conceptual Sketch Plan– Conditional Use Application ..... 6.718.2(c)  
 Multi-Family Dwellings, Conceptual Sketch Plan/Conditional Use Review Process ..... 6.718.2(d)  
 Multi-Family Dwellings, Conversions of Existing Structures ..... 6.718.5  
 Multi-Family Dwellings, Design Criteria ..... 6.718.5  
 Multi-Family Dwellings, Inventory and Analysis ..... 6.718.2(a)  
 Multi-Family Dwellings, Landscaped Buffers ..... 6.718.5(d)  
 Multi-Family Dwellings, Neighborhood Design Standards ..... 6.718.4  
 Multi-Family Dwellings, Non-Residential Use ..... 6.718.4  
 Multi-Family Dwellings, Open Land Design Standards ..... 6.718.3(d)  
 Multi-Family Dwellings, Open Land Standards ..... 6.718.3  
 Multi-Family Dwellings, Parking ..... 6.718.5(i)  
 Multi-Family Dwellings, Pedestrian Access ..... 6.718.5(e)

Multi-Family Dwellings, Percentage of Open Land ..... 6.718.3(a)  
Multi-Family Dwellings, Procedure ..... 6.718.1  
Multi-Family Dwellings, Project Design Process ..... 6.718.2  
Multi-Family Dwellings, Road Standards ..... 6.718.5(b)  
Multi-Family Dwellings, Setbacks ..... 6.718.5(a)  
Multi-Family Dwellings, Subdivision/Land Development Plan ..... 6.718.2(e)  
Multi-Family Dwellings, Townhouses: Facade Changes ..... 6.718.5(h)  
Multi-Family Dwellings, Trash Storage ..... 6.718.5(f)  
Multi-Family Dwellings, Useable Land Area- Determination of Base Dwelling Unit Density ..... 6.718.2(b)  
Multi-Family Dwellings, Uses Permitted on Open Lands ..... 6.718.3(c)  
Multi-Family Dwellings, Water Supply and Sewage Disposal ..... 6.718.7

**- - - N - - -**

Names Of Zoning Districts ..... 3.100  
Noise ..... 6.719(i)  
Non-Commercial Recreation Establishments ..... 6.202  
Nonconforming Lots, Existing in R-Districts ..... 6.101  
Nonconforming Uses And Buildings ..... ARTICLE 5  
Nonconforming Uses, Approval Granted Prior to Passage of Ordinance ..... 5.406  
Nonconforming Uses, Displacement and Change of Use ..... 5.403  
Nonconforming Uses, Enlargement ..... 5.401  
Nonconforming Uses, Regulation Of ..... 5.400  
Nonconforming Uses, Registration Of ..... 5.300  
Nonconforming Uses, Repairs and Maintenance ..... 5.402  
Nonconforming Uses, Restoration ..... 5.404  
Nonconforming Uses, Termination ..... 5.405  
Number of Loading Spaces Required ..... 6.501(a)  
Number of Accessory Structures Limited ..... 6.109(d)  
Number of Parking Spaces Required ..... 6.502(a)

**- - - O - - -**

Occupancy Permits ..... 7.402  
Odor ..... 6.719(b)  
Off-Street Loading ..... 6.501  
Off-Street Parking ..... 6.502  
Official Zoning Map ..... 3.200  
Open Storage ..... 6.719(h)  
Ordinance, Application ..... 1.100  
Other Uses, Regulations Applying to Other ..... 6.700  
Outdoor Recreation Facilities ..... 6.302

**- - - P - - -**

Parking, Access ..... 6.502(c)  
Parking, Joint Facilities for ..... 6.503  
Parking, Location of Facilities ..... 6.502(d)  
Parking, Modification of Requirements ..... 6.502(e)  
Parking, Number of Spaces Required ..... 6.502(a)  
Parking, Off-Street ..... 6.502  
Parking, Size ..... 6.502(b)  
Parking Areas, Development of ..... 6.504  
Parking Areas, Landscaping Requirements for Parking Lots ..... 6.504(c)



Parking Areas, Minimum Distances and Set Backs	6.504(a)
Parking Areas, Surfacing	6.504(b)
Parking Garages	6.705
Parking and Loading, Off-Street	6.500
Parking Lots	6.705
Patios and Open Porches	6.104(i)
Performance Standards	6.719
Permitted Uses	7.102(a)
Pools, Private Swimming	6.711
Porches, Open and Patios	6.104(i)
Poultry	6.707
Principal Permitted Uses	4.201
Principal Permitted Uses - Use Class 1 through 10	4.301
Private Nurseries	6.726
Private Nurseries, Concentration	6.726(8)
Private Nurseries, Definitions	6.726(1)
Private Nurseries, Fence	6.726(4)
Private Nurseries, Hours	6.726(6)
Private Nurseries, Inspections	6.726(9)
Private Nurseries, Off-Premises Play Area	6.726(3)
Private Nurseries, Parking	6.726(2)
Private Nurseries, Play Area Setback	6.726(5)
Private Nurseries, Signs	6.726(7)
Projections into Yards	6.104(h)
Provision For Adding Uses To Use Classes	4.500
Public Hearings To Be Held By Board	7.700
Public Hearings To Be Held By Board, Conduct of Public Hearings and Related Procedures	7.706
Public Hearings To Be Held By Board, Notice to Appellant	7.702
Public Hearings To Be Held By Board, Notice to Interested Parties	7.704
Public Hearings To Be Held By Board, Notice to Local Officials	7.703
Public Hearings To Be Held By Board, Notice to Owner and Neighbors	7.705
Public Hearings To Be Held By Board, Public Notice	7.701
Public Utility Poles	6.107
Public Uses, Appropriate	6.201
Public And Semi Public Uses	6.200
Public Water or Sewer; Lots Not Serviced	6.103(a)
Purpose of Ordinance and Statement of Community Development Objectives	1.200

**- - - R - - -**

Recreation Uses	6.300
Recreation Uses, Commercial	6.301
Recreation Facilities, Outdoor	6.302
Registration Of Nonconforming Uses	5.300
Regulation Of Nonconforming Uses	5.400
Regulations, Basic	4.100
Regulations, Yard	6.104
Regulations Applying To Other Uses	6.700
Regulations Governing the Size of Lots, Yards and Buildings	4.102
Regulations Governing the Use of Land	4.101
Repealer	8.300
Restrictions And Requirements For Amusement Games And Related Machines	6.724

--- S ---

Satellite Earth Stations ..... 6.725

Screening ..... 6.104(f)

Screens ..... 6.708

Screens, General Standards ..... 6.708.1

Semi Public Uses ..... 6.200

Separability ..... 8.200

Service Roads ..... 6.721(d)

Sewage Waste ..... 6.719(g)

Short Title ..... 1.300

Side Yard of Corner Lot ..... 6.104(d)

Side Yard Width May Be Varied ..... 6.104(b)

Signs ..... 6.600

Signs, Business in Commercial and Manufacturing Districts ..... 6.603

Signs, General Regulations for ..... 6.601

Signs, Height of ..... 6.603(b)

Signs, Height and Projection of ..... 6.602(b)

Signs, Maximum Area of Business ..... 6.603(c)

Signs, Maximum Number of Business ..... 6.603(d)

Signs, Off-Premises Advertising and Billboards ..... 6.604

Signs, Off-Premises Advertising and Billboards: Engineering Certification ..... 6.604(h)

Signs, Off-Premises Advertising and Billboards: Exchange ..... 6.604(a)

Signs, Off-Premises Advertising and Billboards: Height of Signs ..... 6.604(e)

Signs, Off-Premises Advertising and Billboards: Illumination ..... 6.604(c)

Signs, Off-Premises Advertising and Billboards: Maximum Area of ..... 6.604(f)

Signs, Off-Premises Advertising and Billboards: Principal Use ..... 6.604(b)

Signs, Off-Premises Advertising and Billboards: Setbacks ..... 6.604(d)

Signs, Off-Premises Advertising and Billboards: Spacing of Off-Premises ..... 6.604(g)

Signs, Projection of ..... 6.603(a)

Signs, Regulations of ..... 6.602(a)

Signs in Residential and Conservation Districts: ..... 6.602

Size and Location, Loading ..... 6.501(b)

Smoke, Dust, Dirt and Fly Ash ..... 6.719(a)

Social Hall ..... 6.202

Special Exceptions ..... 4.203; 7.1000; 7.102(b); 7.1000.3

Special Exceptions, Expansions ..... 7.1000.3(a)

Special Exceptions, Information Required ..... 7.1000.6

Special Exceptions, Limitation of Approval ..... 7.1000.5

Special Exceptions, Procedure ..... 7.1000.3(b)

Special Exceptions, Standards and Criteria ..... 7.1000.4

Special Exception, Temporary Uses ..... 6.728(c)

Special Exceptions and Conditional Uses ..... 6.708.2

Special Exceptions - Use Class 13 through 18 ..... 4.203; 4.303

Statement of Community Development Objectives ..... 1.200

Statement Of Intent ..... 5.100

Stay of Proceedings ..... 7.504

Strip Mining And Excavation Operations ..... 6.722

Strip Mining And Excavation Operations, Location Where Permitted ..... 6.722(a)

Strip Mining And Excavation Operations, Restrictions ..... 6.722(b)

Strip Mining And Excavation Operations, Zoning Permits for ..... 6.722(c)

Supplementary Regulations ..... ARTICLE 6

Supplementary Regulations Governing The Size Of Lots, Yards And Buildings ..... 6.100

- - - T - - -

Temporary Offices ..... 6.728(a)  
Temporary Structure Or Use ..... 6.728  
Temporary Structure Or Use, Additional Requirements ..... 6.728(f)  
Temporary Structure Or Use, Application for Permit ..... 6.728(d)  
Temporary Structure Or Use, Duty to Exhibit Permits ..... 6.728(e)  
Temporary Uses by Special Exception ..... 6.728(c)  
Tents or Other Temporary Structures ..... 6.728(b)  
Theaters, Drive-In ..... 6.303  
Through Lots ..... 6.108  
Title, Short ..... 1.300  
Topography ..... 6.719(j)  
Trailer Court, Trailers And Mobile Homes ..... 6.706  
Two or More Buildings on a Lot ..... 6.105

- - - U - - -

Unattached Accessory Structures in R-District ..... 6.109(b)  
Unattached Non-Dwelling Accessory Structures ..... 6.109(c)  
Use, Continuation Of ..... 5.200  
Use Class 1 through 10, Principal Permitted Uses ..... 4.301  
Use Class 11 and 12, Accessory Uses ..... 4.202; 4.302; 6.109  
Use Class 13 through 18, Special Exceptions ..... 4.203; 4.303  
Use Class 19 through 22, Conditional Uses ..... 4.304  
Use Classes ..... 4.300  
Use Classes, Limitations on ..... 4.400  
Use Classes, Provisions for Adding Uses To ..... 4.500  
Uses, Accessory ..... 4.202  
Uses, Conditional ..... 4.204  
Uses, Public and Semi Public ..... 6.200  
Uses, Principal Permitted ..... 4.201  
Uses Fronting On Arterial Streets Or Abutting Highway Interchanges ..... 6.721  
Uses Fronting On Arterial Streets Or Abutting Highway Interchanges:Driveway Access Points ..... 6.721(b)  
Uses Fronting On Arterial Streets Or Abutting Highway Interchanges: Setback ..... 6.721(a)  
Uses In Zoning Districts ..... 4.200  
Utility Poles, Public ..... 6.107

- - - V - - -

Variance ..... 7.600  
Variance, Board May Authorize ..... 7.601  
Variance, Purpose of ..... 7.602  
Variance, Required Showing for ..... 7.603  
Vibration ..... 6.719(e)  
Visibility at Intersections in all Districts ..... 6.106

- - - W - - -

Water Bodies, Buffer for ..... 6.72(c)  
Wetlands ..... 6.72(a)  
Wetlands, Buffer for ..... 6.72(b)  
Width of One Side Yard May Be Reduced ..... 6.104(c)  
Wind Energy Conversion Systems (WECS) Regulations ..... 6.723

- - - Y - - -

Yard Regulations ..... 6.104

Yard Size Regulations ..... TABLE 2

Yards, Buffers, Screens And Landscaping ..... 6.708

Yards, General Standards ..... 6.708.1

Yards, Supplementary Regulations ..... 6.100

- - - Z - - -

Zoning District Location ..... 6.505

Zoning Districts, Names ..... 3.100

Zoning Districts, Uses In ..... 4.200

Zoning Hearing Board ..... 7.300

Zoning Hearing Board, Appointment of Members ..... 7.302

Zoning Hearing Board, Authorize Variances ..... 7.303(c)

Zoning Hearing Board, Created ..... 7.301

Zoning Hearing Board, Duties and Powers ..... 7.303

Zoning Hearing Board, Interpretation of Boundaries ..... 7.303(d)

Zoning Hearing Board, Other Duties and Powers ..... 7.303(e)

Zoning Hearing Board, Permit Special Exceptions ..... 7.303(b)

Zoning Hearing Board, Referral to Planning Commission ..... 7.304

Zoning Hearing Board, Removal of Members ..... 7.305

Zoning Hearing Board, To Hear and Decide Appeals ..... 7.303(a)

Zoning Map, Official ..... 3.200

Zoning And Occupancy Permits And Certificates ..... 7.400

Zoning Official ..... 7.200

Zoning Permit After an Appeal ..... 7.102(d)

Zoning Permit After Request for Reclassification or Amendment ..... 7.102(f)

Zoning Permit After a Variance Request ..... 7.102(e)

Zoning Permit Types ..... 7.102

Zoning Permits ..... 7.401

Zoning Permits, Application for Permits ..... 7.401(a)

Zoning Permits, Permits to be Shown ..... 7.401(b)

Zoning Permits, Revocation of Permits ..... 7.401(c)